



---

---

**HARVARD JOURNAL  
OF  
AFRICAN AMERICAN  
PUBLIC POLICY**



John F. Kennedy School of Government  
Harvard University

---

---

***TOWARDS A PROGRESSIVE BLACK AGENDA***

---

**ARTICLES**

**Fighting Corruption in Africa: Lessons from Malawi**  
*Bruce Bolnick*

**Reparation to Black America: A Legal Analysis**  
*Tiffany M. McKinney*

**Does Senegal's Political "Alternance" Portend Improved Economic Performance?**  
*Clive Gray*

**A Re-examination of the Tulsa Race Riot from a Disaster Management Perspective**  
*Maria Trent*

**"If I Die in Here, Least I'll be Free":  
Black Women "Mules" and the Transnational Prison Complex**  
*Julia Sudbury*

**ESSAYS**

**Profiling and Getting Past Race**  
*John McWhorter*

**Black Men Fenced in and a Plausible Black Masculinity**  
*Gregory Hampton*

**SPEECHES**

**Introduction to the Life and Legacy of Malcolm X**  
*Manning Marable*

---

VOLUME VIII • SUMMER 2002



HARVARD JOURNAL  
OF  
AFRICAN AMERICAN  
PUBLIC POLICY

JOHN F. KENNEDY SCHOOL OF GOVERNMENT  
HARVARD UNIVERSITY

*SUMMER 2002*

Cambridge, Massachusetts

HARVARD  
UNIVERSITY



JOHN F. KENNEDY  
SCHOOL OF GOVERNMENT

## NOTES TO CONTRIBUTORS

*Harvard Journal of African American of Public Policy*, founded in 1989 at John F. Kennedy School of Government, Harvard University, is committed to a comprehensive and interdisciplinary examination of the interactions between public policy and the lives of African Americans. It specifically aims to:

- Provide an arena for sound, methodologically diverse, and solution-oriented policy discourse on issues affecting the African-American community
- Encourage scholarly dialogue and communication among academics, policy makers, community leaders, and practitioners; and
- Improve the public policy process by integrating the perspectives of African Americans into the formulation, implementation, and evaluation of public policy.

The *Harvard Journal* addresses an array of policy areas, including law, economics, health, education, business, labor, electoral politics, poverty, community development, media, science, and technology.

In addition to articles, the *Harvard Journal* features essays, lectures, community-based initiative profiles, symposia, position papers, and book reviews.

### SUBMISSION GUIDELINES

#### *Manuscripts*

Submit three copies of your manuscript to: Harvard Journal of African American Public Policy, John F. Kennedy School of Government, 79 John F. Kennedy Street, Cambridge, MA 02138.

- (a) Type manuscripts on one-sided 8.5" × 11" paper in 12-point, double-spaced font.
- (b) Number pages consecutively and include the title of the manuscript on every page.
- (c) Tables and figures should be numbered and printed each on a separate sheet of paper with an indication in the text where corresponding tables and figures should be inserted.
- (d) Manuscripts are not to exceed 15,000 words (50-60 double spaced pages).

#### *Computer and Paper Files*

Include the following with your manuscript:

- (a) In addition to a printed manuscript, the manuscript should be saved as an ASCII text file on 3.5" floppy diskette. This can be done by using the "Save As..." feature in most word processors, and selecting file type "DOS Text File." Tables and figures should be included as files in table format in Microsoft Word, Microsoft Excel, or WordPerfect, or as a tab-delimited text file.
- (b) An article abstract of no more than 100 words should be included.
- (c) A cover page with author's name, 50-word biography, and article title and subtitle should be included.
- (d) Articles may also be sent electronically to: [hjaap@ksg.harvard.edu](mailto:hjaap@ksg.harvard.edu).

## References

References should be written as footnotes, with a bibliography included at the end of the manuscript. The style for references is as follows:

## Style

Following are some style minutiae regarding your submissions for the *Harvard Journal*. For more detailed information on the journal's style, refer to the *Chicago Manual of Style* (14th ed.).

- (a) Numbers one through ten and multiples of ten should be spelled out, unless they are being presented as part of a calculation or table of data. All other numbers should be written as figures.
- (b) The word "percent" should be spelled out if it appears in text and written as % if it appears in a table.
- (c) Periods and commas following quotations should appear within the quotation marks.
- (d) Boldface and underlining should not appear in the article text. Use italics to indicate word emphasis, book titles, or words in foreign languages.
- (e) Titles of people's positions (i.e., senator, president) should be capitalized only if they appear in conjunction with a person's name.
- (f) Titles of agencies (i.e., Department of Commerce, the Department) should be capitalized whether they are in full or short form.
- (g) The letters s's should never appear at the end of a word. A word ending in s that calls for an apostrophe should leave off the final s following the apostrophe.
- (h) Subheadings and paragraph headings may be used at the author's discretion to break up the text.

The deadline for submissions is generally September 15. Upon receipt, an editor will be assigned to provide any editorial and research assistance you may need. If you have any questions or concerns during your deliberation, please contact the *Harvard Journal* via e-mail at [hjaap@ksg.harvard.edu](mailto:hjaap@ksg.harvard.edu).

---

*Harvard Journal of African American Public Policy* (ISSN# 1081-0463) is published annually by students of the John F. Kennedy School of Government, Harvard University. An annual subscription is \$25 for individuals and \$40 for libraries and institutions. Subscriptions will be automatically renewed unless notice to the contrary is received at office. Additional copies of volumes 1-7 may be available for \$10 each from the Subscriptions Department, *Harvard Journal of African American Public Policy*, 79 JFK Street, Cambridge, MA 02138.

**DONATIONS:** Donations provided in support of the *Harvard Journal* are tax deductible as a non-profit gift under the JFK School of Government's IRS 501(c) (3) status. Please specify intent.

**POSTMASTER:** Send address changes to *Harvard Journal of African American Public Policy*, 79 JFK Street, Cambridge, MA 02138, or email [hjaap@ksg.harvard.edu](mailto:hjaap@ksg.harvard.edu).

COPYRIGHT © 2002 BY THE PRESIDENT AND FELLOWS OF HARVARD COLLEGE.  
ALL RIGHTS RESERVED

*The Harvard Journal does not accept responsibility for the views expressed by individual authors. No part of the publication may be reproduced or transmitted in any form without the expressed written consent of the editors of the Harvard Journal of African American Public Policy.*

---

# HARVARD JOURNAL OF AFRICAN AMERICAN PUBLIC POLICY

2001–2002 Editorial Board

*Editor-in-Chief*

RODRICK MILLER

*Publisher*

CHRISTINE CONNARE

*Managing  
Editor*

DORINA BEKOE

*Production  
Editor*

MELISSA BROWN

*Associate Publisher,  
Subscriptions*

CHRISTOPHER TYSON

*Associate Publisher,  
Finance*

SHARIFA ANDERSON

*Assoc. Managing Editor*

MICHAELJULIUS IDANI

*Assoc. Production Editor*

ANIKA TOUSSANT

*Articles Editors*

SHARIFA ANDERSON

ANDRE BYERS

ERNEST GOODSON

JUDY TAYLOR

KENDRA BLACKETT

LOUISE DYER

MICHAELJULIUS IDANI

GAVIN SAMMS

*Faculty Advisor*

WILLIAM JULIUS WILSON

## **EXECUTIVE ADVISORY BOARD**

LERONE BENNET, JR.

*Ebony Magazine*

FRANCES BRISBANE

*State University of New York*

HENRY LOUIS GATES, JR.

*Harvard University*

DOROTHY GILLIAM

*The Washington Post*

ROBERT HOLLAND

*WorkPlace Integrators*

GWEN IFILL

*WETA*

JAMES LLORENS

*Southern University*

CHARLES J. OGLETREE, JR.

*Harvard University*

DAVID THOMAS

*Harvard University*

CORNEL WEST

*Harvard University*

WILLIAM JULIUS WILSON

*Harvard University*

---

## TABLE OF CONTENTS

### ARTICLES

**1**      **Fighting Corruption in Africa: Lessons from Malawi**

*Bruce Bolnick*

The problem of corruption has assumed a high profile in policy discussions throughout Africa, reflecting growing concern about its impact on stability, growth, and poverty reduction. Many countries in the region have adopted some form of an anti-corruption program with varying degrees of effectiveness. This paper examines recent experience in Malawi, where a new anti-corruption program seems to be achieving results. The paper assesses the program's origins, the strategy pursued, and the main activities to date, and draws specific implications for other African countries. The principal conclusion is that an effective anti-corruption program, with firm political leadership, can yield high financial, economic, and social returns. While Malawi is nowhere near "winning the war" against corruption, its program is reducing the costs and possibly reversing the trend.

**19**     **Reparation to Black America: A Legal Analysis**

*Tiffany M. McKinney*

Historically, the campaign for reparations to Black America for injuries due to American slavery and its *de jure* and *de facto* segregation and racial discrimination rested largely upon appealing to the nation's morality. In our current political moment, however, the reparations campaign must look beyond arguments of morality, in which success is predicated upon individual conceptualizations of right and wrong, and, instead, utilize one of the most well-established and well-respected institutions in our system of governance—the law. Utilizing both domestic and international law, this article examines the legal recourse available to black America in a legal claim of reparations and considers the possible outcome of such a claim.

**39**     **Does Senegal's Political "Alternance" Portend Improved Economic Performance?**

*Clive Gray*

In Senegal's March 2000 election, longtime opposition leader Abdoulaye Wade finally ousted 19-year incumbent Abdou Diouf. The latter presided over a long period of economic stagnation, though growth picked up following the 1994 franc zone currency devaluation (which Diouf opposed and Wade favored). President Wade expresses allegiance to free enterprise and private investment as Senegal's engine of growth, condemning the *ancien régime* for three hundred bankrupt state enterprises. Currently, pan-African issues, culminating in a leading role in the New Partnership for Africa's Development (NEPAD), are attracting a major share of Wade's attention. Concrete barriers face Senegal's private sector in exploiting a liberalized trade regime. They demand as much of his attention as he can spare.

51 **A Re-examination of the Tulsa Race Riot from a Disaster Management Perspective**

*Maria Trent*

The 1921 race riot in Tulsa, Okla., represents some of the worst of what a post-Civil War America offered to African Americans, but it also reveals the necessity of impartiality, compassion, organization, and leadership in the field of public health and disaster management. This article reviews the setting that engendered the race riots and interrogates the roles of various agencies involved in the disaster. The American Red Cross' involvement is highlighted as a historical example to be studied and modeled in future humanitarian relief efforts.

65 **"If I Die in Here, Least I'll Be Free":  
Black Women "Mules" and the Transnational Prison Complex**

*Julia Sudbury*

This article places the life stories of black British and foreign-national women "mules" incarcerated in English prisons into articulation with theories of diaspora. By exploring incarcerated women's experiences of home, kin networks, and building community, Sudbury juxtaposes the lived experience of border crossing, migration, and transgression demonstrated in these women's narratives, with the diaspora projects developed by scholars to explain these very experiences. As such, Sudbury seeks to map a feminist agenda for the deployment of the concept of diaspora.

## ESSAYS

89 **Profiling and Getting Past Race**

*John McWhorter*

One out of three young black men are in jail or involved with the criminal justice system. This factoid has become a mantra in the black American community, chanted by rote as a badge of informed "black identity." And it is true.

An increasing number of black thinkers are dedicated to working against the sense that victimhood is the keystone of being an African American in the 21st century. But this mantra stands as the main obstacle to making our fellow Blacks realize that the race-seeking progress must celebrate its victories rather than downplay them, stress self-improvement rather than handouts, and treat problems as inconveniences rather than roadblocks.

So many of us want to get past race. Many suppose that eliminating racial preferences, eliminating the "silly little boxes" on forms requiring people to indicate their race, or fostering seminars on diversity in the workplace are the crucial tasks here. Too few understand that the main obstacle to getting us out of our current sullen holding pattern is the conflict between young black men and police forces in our cities. This is not just "one more thing." It is the thing, and until it is addressed nationwide and solved, there will be no meaningful progress.



- 105 **Black Men Fenced in and a Plausible Black Masculinity**  
*Gregory Hampton*

“Black Men Fenced in and a Plausible Black Masculinity” is a discussion concerned with the development of masculinity by African American males in an American context. The premise of this brief meditation is that African American males necessarily obtain notions of masculinity through different familial and cultural experiences than their white American counterparts. Consequently, there can be no monolithic notion of masculinity or definition of manhood. This assertion is supported by the literary analysis of two classic American plays, *Fences* (1986) by August Wilson and *Death of A Salesman* (1949) by Arthur Miller.

## **SPEECHES**

- 115 **Introduction to the Life and Legacy of Malcolm X**  
*Manning Marable*

1. The first part of the document is a letter to the President of the United States, dated July 1, 1954.

The letter is addressed to the President and is signed by the author. It discusses the author's views on the current state of the country and the role of the government. The author expresses concern about the direction of the country and the actions of the government at the time.

The letter is dated July 1, 1954, and is signed by the author. It is a personal communication to the President.

The author discusses the political and social issues of the time, including the Cold War and the role of the government. The author expresses a desire for a more balanced and just society.

The author concludes the letter by expressing hope for the future and a belief in the American people's ability to make positive changes.

The letter is signed by the author and dated July 1, 1954. It is a personal communication to the President.

The author discusses the political and social issues of the time, including the Cold War and the role of the government. The author expresses a desire for a more balanced and just society.

The author concludes the letter by expressing hope for the future and a belief in the American people's ability to make positive changes.

# FIGHTING CORRUPTION IN AFRICA: LESSONS FROM MALAWI

BRUCE R. BOLNICK<sup>\*1</sup>

---

## I. INTRODUCTION

The issue of corruption has assumed a high profile in recent policy discussions throughout Africa. The problem has become a standard refrain in political rhetoric. It is discussed regularly at international gatherings, reported widely in the local press, and raised forcefully by representatives of civil society and the private sector. Clearly, there is a ground-swell of concern about how corruption is affecting the prospects for national stability, economic growth, and poverty reduction in Africa.

One trigger for this rising concern has been the wide dissemination since 1995 of a Corruption Perception Index (CPI) compiled by Transparency International (TI).<sup>2</sup> The CPI report for 2000 covered ninety countries, including 19 from sub-Saharan Africa. Four middle-income African countries—Botswana, Namibia, South Africa, and Mauritius—are rated in the top half of the distribution. The rest are distributed through the lower ranks, with six of them clustered near the bottom of the chart: Uganda (80), Mozambique (81), Kenya (82), Cameroon (84), Angola (85), and Nigeria (90).

TI emphasizes that the CPI is a gauge of international *perceptions* of corruption, not a measure of the actual extent of corruption (for which there are no accurate and comparable international statistics). Nonetheless, CPI rankings provide important information, for several reasons. First, perceptions, as such, strongly affect business decisions and domestic political dynamics. Second, CPI scores are derived from respected international surveys such as the *African Competitiveness Report* (ACR), produced by the World Economic Forum and the Center for International Development at Harvard University.<sup>3</sup> Thus, the CPI scores reflect in part the ACR findings on indicators such as irregular payments to officials and the quality of the legal/judicial system.<sup>4</sup>

---

\* *Fellow in Development at the Kennedy School and head of the CID advisory team in Mozambique. The author has also worked in Malawi, Zambia, Kenya, and Indonesia. His main research interests are macroeconomic policy, financial markets, and tax policy for developing countries. He holds a Ph.D. in economics from Yale.*

1 The author wishes to acknowledge the invaluable assistance of Mr. Paul Russell, advisor to the director of the Anti-Corruption Bureau in Malawi and former director of the Anti-Corruption Commission in Zambia. Most technical details reported below on program in Malawi (and Zambia) were provided by Mr. Russell. Any errors of fact or interpretation, however, are solely the responsibility of the author.

2 TI's Web site is <http://www.transparency.de>.

3 Other sources include rankings from the World Bank, the Economist Intelligence Unit, the Global Competitiveness Report of the World Economic Forum, Political Risk Services, and the International Crime Victim Survey, among others.

Many countries in Africa have adopted an anti-corruption program in one form or another, with varying degrees of effectiveness. In southern and eastern Africa, special organizations to investigate corrupt practices exist in Tanzania, Zambia, Uganda, Botswana, South Africa, and Zimbabwe. According to a report from Transparency International, the organizations in South Africa, Botswana, and Malawi are "outstanding examples of successful anti-corruption agencies."<sup>5</sup> Malawi is of special interest. Unlike South Africa or Botswana, Malawi is a very poor country which faces severe resource constraints.<sup>6</sup> Also, Malawi only recently went through the process of launching an Anti-Corruption Bureau (ACB), so it is a good example of how to initiate such activity. Finally, there are indications that the ACB in Malawi is having a salutary impact. It is one of the few, if not the only, low-income African country to be receiving laudatory coverage in the international press for recent actions to fight corrupt practices, including a decision by President Bakili Muluzi last November to dissolve the Cabinet and dismiss three ministers on the basis of a report indicating their involvement in corrupt public procurements practices. Thus, useful lessons can perhaps be learned from this experience.

The main purpose of the present paper is to explain how Malawi has established what appears to be a reasonably effective anti-corruption program, and to assess the implications of this experience for other low-income African countries. The paper begins by clarifying the definition of corruption, in section II. Section III outlines the reasons for taking the problem very seriously. Section IV reviews the anti-corruption program in Malawi. The paper concludes in section V with a discussion of the lessons and implications for other countries in the region.

## II. DEFINITION AND MEASUREMENT OF CORRUPTION

A simple definition of corruption focuses on "irregular additional payments," such as bribes, kickbacks, gifts, or unofficial "commissions" to public officers or politicians in exchange for services, contracts, permissions, or privileges (often fiscal privileges) under their control or influence. This is too narrow a concept, however, since corrupt practices need not involve direct payments to individuals. A more satisfactory definition covers the "use, misuse, or abuse of public office for private advantage," where the "private advantage" may accrue not just to an individual recipient, but possibly to associated interests such as friends, family, clan, business partners, or a political party. The advantage can be either an immediate *quid pro quo* or a commitment to provide a deferred benefit in exchange for

---

4 The ACR rankings are based on a sample survey of business leaders in each country, combined with data from standard international sources.

5 Pope, 1. Available on the TI Web site (see footnote 2). Other countries mentioned by Pope as having successful anti-corruption agencies are Singapore, Hong Kong, and Australia.

6 In the CPI-2000, Malawi is the only low-income country in sub-Saharan Africa to escape the bottom half of the rankings. It is tied with four other countries for 43rd place out of 90. This group therefore represents the median in the distribution.

the improper act on the part of the public officer or politician. The broader definition therefore focuses not on the presence of an explicit payoff, but on the breach of ethics of public office. In this spirit, Tanzi (1998) defines corruption simply as "the abuse of public power for private benefit."

In legal terms, corruption may be distinguished from criminal acts such as fraud, embezzlement, theft, extortion, and blackmail. These other acts are violations of the law, whether they arise in the private sector or the public sector and regardless of the purpose. Many abuses of public office do not fit neatly into these traditional crime categories.

In defining corruption, a distinction is commonly made between "grand" and "petty" varieties. Grand corruption is the abuse of public power involving a high-level office holder or large amounts of money, or both. Many observers judge anti-corruption efforts on the basis of success in dealing with grand corruption: Are "big fish" getting caught? Yet important benefits can be gained from reducing the scope of petty corruption, which directly affects multitudes of poor people in their daily lives.

### III. WHY WORRY?

It was once widely believed that corruption can enhance efficiency by "greasing the wheels" of public administration. This view was based on a presumption that illicit payments could allocate services, contracts, permissions, or privileges to the beneficiaries who use them most efficiently, since they could offer the largest bribes. As expressed by Samuel Huntington, "the only thing worse than a society with a rigid, over-centralized, dishonest bureaucracy is one with a rigid, over-centralized, and honest bureaucracy."<sup>7</sup> This complacent view gained plausibility from the fact that several notoriously corrupt Asian countries sustained very high growth rates for many years.

Today, the "grease" hypothesis stands decisively refuted by empirical tests using new measures of corruption that have been developed in the 1990s.<sup>8</sup> The measure of corruption most commonly used is based on cross-country indices such as the Corruption Perception Index from TI. Some microeconomic studies also use survey data on the cost of illicit payments and the cost of management time absorbed in dealing with government officials. Despite the inherent difficulty in measuring corruption accurately, much of the research has produced significant and plausible results, suggesting that the available empirical measures succeed in capturing the presence of real problems.

The dominant view now is that corruption has a significant negative affect on growth, even in the Asian countries that were once viewed as examples to the con-

---

7 Huntington, Samuel P. *Political Order in Changing Societies*. Yale University Press, 1968, as quoted in Kaufman and Wei.

8 See Tanzi; Lambsdorff, "Corruption in Empirical Research: A Review" for reviews of the empirical literature. See Kaufmann and Wei for a direct test of the grease hypothesis.

trary. A basic consideration explaining this adverse impact is the fact that "rigid bureaucracy" (to which Huntington referred) is not a fixed condition. Rather, a tolerance for corruption creates incentives for more bureaucracy, red tape, discretionary authority, and secrecy as means to expand the scope for private gains from public office. Corruption therefore tends to go hand in hand with poorly functioning institutions. In turn, the quality of market-supporting institutions is one of the most robust factors explaining the difference between success and failure in achieving rapid economic growth and poverty reduction.

Corruption is present virtually everywhere, to varying degrees. According to the *African Competitiveness Report 2000/2001*, the average level of corruption in Africa is not much different from that of developing and transitional countries in other regions. This is little comfort, though, since many of the poorest African countries fall near the bottom of the corruption rankings. These countries "can least afford the negative effects of corrupt practices"<sup>9</sup> for two reasons. First, the poorest countries have the greatest need to get their economies moving rapidly in the right direction by using public resources efficiently. Perhaps the rich can afford needless waste, but the poor cannot.

Second, many of the negative effects directly harm the poor by reducing their real income and increasing their vulnerability. Drawing on microeconomic studies from several transitional economies, the *World Development Report 2000-2001* affirms that "the burden of petty corruption falls disproportionately on the poor," with debilitating consequences.<sup>10</sup> Petty corruption, in particular, drains the meager purchasing power of poor households, limits their access to education and health care, interferes with their access to security and justice, and creates additional barriers to their pursuit of income-generating activities. Corruption on a larger scale hampers the growth of economic opportunities for the poor, facilitates shoddy construction of public infrastructure on which they depend, and skews public resources away from serving their needs.

In short, corruption is a phenomenon that truly fits the old adage about the rich getting richer while the poor get poorer. As expressed by Oscar Arias Sanchez, corruption is "theft from the poor."<sup>11</sup>

Recent statistical evidence indicates that a high level of corruption reduces private investment and productivity,<sup>12</sup> diverts public resources from their most

---

9 Lambsdorff and Cornelius, 70.

10 World Bank, 101. For example, a recent sample survey in Ghana indicated that two-thirds of low-income families incur unofficial payments to public officials amounting to ten percent of household income. See World Bank and Center for Democracy and Development. Sanchez makes a similar point more vividly, saying that corruption is a practice "that humiliates the poor by forcing them to bribe minor officials to do their job; that bankrupts the honest trader; that empowers the partnership of unscrupulous captains of commerce and dishonest officials, and spreads like a cancer to infest all that is decent in society."

11 Sanchez, 1.

cost-effective and equitable uses,<sup>13</sup> impairs revenue mobilization,<sup>14</sup> and facilitates crime and drug running by undermining the efficacy of police and judicial systems.<sup>15</sup> Corruption also fosters illicit depletion of resources by creating opportunities for uncontrolled cutting of woodlands, plundering of ocean fish stocks, poaching of wildlife, and smuggling of gemstones. Ultimately, rampant corruption can undermine confidence in public institutions and legitimacy of the government. This elaborate web of negative effects on poverty, growth, and political stability vastly outweighs any "grease" benefit that might arise from tolerating corruption.

In view of the importance of combating corruption, the basic question is: How? One way to answer the question is to examine the experience in countries that appear to be making progress. Recent anti-corruption activities in Malawi provide an instructive and pertinent example.

#### IV. THE ANTI-CORRUPTION PROGRAM IN MALAWI

##### *Antecedents*

During the long period of rule by Hastings Kamuzu Banda, Malawi was considered in many quarters to be virtually free of corruption. This may have been largely so in the context of petty corruption and possibly so in terms of a narrow definition based on bribery as such. Yet, evidently, there were massive abuses of public authority for private gain by certain political figures, including many dubious contract awards that enriched a select group with proper connections. Few Malawians, however, dared to discuss or question such practices due to the risk of brutal reprisals.<sup>16</sup>

In 1994, Malawi adopted a new constitution establishing the basis for multi-party elections, leading to a change in government that year. The 1994 Constitution contains a section on public trust and good governance, which stipulates that the state "will introduce institutions that will guarantee accountability, transparency, personal integrity, and financial probity and which by virtue of their effectiveness and transparency will strengthen confidence in public institutions." This constitutional clause is the foundation for institutional reforms to deal with corruption (and other problems of governance).

---

12 Wei reports that "an increase in the level of corruption from that of Singapore to that of Mexico is equivalent to raising the tax rate by over twenty percentage points."

13 World Bank, 102.

14 Ghura; Tanzi.

15 Gelbard, 172, refers specifically to Mozambique, "where antiquated drug laws, widespread corruption, and ill-equipped police forces make the country an ideal conduit" for drug traffickers. Oosthuysen, 65, refers to "the high level of official corruption" in Mozambique as a contributing factor to illicit trade in firearms.

16 The most notorious example is the famous case of the Mwanza murders in the early 1980s, when four members of Parliament were murdered after questioning certain government transactions. Other politicians were jailed for similar acts of disloyalty.

### *Start-up*

Soon after the 1994 elections, the new government of Bakili Muluzi began to address the public trust and good governance clause of the Constitution by sending a delegation to observe the set-up and operations of the Anti-Corruption Commission in Zambia. This led to the drafting of a bill modeled on Zambian law, which was debated at a workshop for members of Parliament (assisted by Transparency International). Parliament passed the Corrupt Practices Act in 1995. The act established a precise definition of violations, specified respective penalties, and created a Anti-Corruption Bureau (ACB) with statutory authority to conduct investigations and prosecutions.

The ACB is a quasi-autonomous organization. The director and deputy director of the ACB are public officers who work for "the people of Malawi," outside the civil service. They are appointed by the president, subject to ratification by a parliamentary committee, and can be removed only by Parliament (for specified causes). On operational matters, the ACB is not under the control of the government or Parliament, though the minister of justice can issue directions on administrative matters. The ACB director reports periodically to Parliament, via the minister of justice; these reports are subject to parliamentary inquiry. The Bureau is funded through the budget, subject to the usual parliamentary procedures.

### *Implementation*

Translating the 1995 Corrupt Practices Act into reality has been a slow process. In 1996, the government appointed well-qualified people to the posts of director and deputy director of the Anti-Corruption Bureau. A strategic plan was drafted and presented for discussion at a National Integrity Workshop in November 1996 (again supported by TI). At the same time, the government contacted donors about technical assistance, equipment, and co-financing. In particular, DFID agreed to provide the ACB director with support from a senior advisor, who arrived in early 1997. Only then did the director and deputy director assume their posts on a full-time basis. A grant from the Japanese government provided vehicles and computer equipment. Thus, the Bureau started operating in early 1997 with a team consisting of two senior managers and one advisor.<sup>17</sup>

The ACB management faced an enormous administrative task to get the Bureau up and running. Aside from dealing with office logistics, they had to develop a staffing and training plan, determine the salary structure, establish standing orders and a code of conduct, and begin recruiting staff.<sup>18</sup> The plan targeted a bureau with 57 employees, including managers, investigators, prosecutors, civic information officers, corruption prevention officers, and administrative and support staff. The intention was to fill about half the positions at the outset.

---

17 The approved budget (current plus capital) for FY1997-98 was just under \$600,000.

18 Details are provided in a series of reports on "Project Support to the Anti-Corruption Bureau," submitted by the advisor three times per year to the director, the government, and DFID.



The initial job advertisements brought in a large pool of applicants (more than two thousand), which allowed management to be highly selective in hiring. Every operations officer is a college graduate, and most have related work experience. A major factor was that the ACB offered a salary scale designed to be the best in the public service—though still extremely low by international standards.<sup>19</sup> By March 1998, one year after the start-up, the Bureau had 14 employees including the director and deputy director. By May 2000, the staff was up to 42 people. The Bureau has faced difficulty in recruiting prosecution officers, however, as the salary scale proved to be uncompetitive in the market for legal skills.<sup>20</sup>

### *Strategy*

From the start in early 1997, the Bureau was under pressure to demonstrate tangible results quickly. Corruption was widely seen as having mushroomed out of control since the end of the repressive Banda era. The Bureau adopted a strategy for fighting corruption through a three-pronged approach involving (1) public education, (2) preventative measures, and (3) enforcement.

The *education* function is fundamental. The long-term objective is to foster a deep change in public opinion and to create an environment where corrupt practices are openly discussed and deemed as intolerable. To this end, the ACB initiated a broad and sustained public relations campaign to educate the public about their right to public services, their right to refuse illicit demands from public servants, and their right to organize to resist corruption at the grass roots. The campaign also provides information about the meaning of corruption, the provisions of the Corrupt Practices Act, and the recourse available through the ACB. In parallel, the ACB undertook to inform public employees directly about the same issues.

The objective of the *prevention* function is to review the laws, regulations, structures, procurement practices, and control systems in order to identify conditions that breed or facilitate corruption, and to devise reforms to eliminate or alleviate the problems. As noted earlier, measures to reduce red tape, bureaucracy, discretion, and secrecy are fundamental and effective instruments for fighting corruption.

The *enforcement* function involves investigation and prosecution. For many people, this is the essence of an anti-corruption program. In reality, education and prevention have far more impact.<sup>21</sup> This is so because it is difficult and costly to establish legal proof of corrupt practices, especially in cases where both parties to the act have an incentive to hide the facts. The legal problem is complicated further by the judicial system, which is plagued with inefficiencies. Nonetheless,

---

19 To be specific, the starting salary for an investigative officer (as of late 2000) was MK350,000/yr (about \$365 per month), plus an 11 percent housing allowance, a duty allowance of about 7 percent, and a 25 percent gratuity fund payable on retirement or termination. Source: personal communication with the senior advisor to the ACB.

20 In February 2001, DFID approved a large grant (£790,000) for the ACB to help finance the Prosecution Branch, as well as an expansion of the training program.

21 Pope.

education and prevention measures require back-up deterrence in the form of enforcement activities. In the absence of a serious prospect that sanctions and penalties can be applied, corrupt practices are likely to continue unabated, and the public will quickly weary of rhetoric about the entire program. Thus, the ACB requires a skilled investigation team, capable prosecutors, and firm support from the highest levels to ensure that justice will be properly administered in corruption cases.

### *Main Activities*

The ACB's first operational activity was in the area of civic *education*. Starting in early 1997, the Bureau developed a high-profile campaign to spark public awareness about the need to fight corruption, combined with an appeal to the public to report corrupt practices for the Bureau to investigate. The campaign operated through radio ads and call-in shows,<sup>22</sup> press releases and articles in the newspapers, seminars, public meetings, and the distribution of anti-corruption materials. More than three thousand letters poured in from all over the country in 1997 alone. Although nearly eighty percent of the letters turned out to involve complaints not warranting investigation by the ACB, the others provide an excellent means to pinpoint the areas where corruption is most affecting the lives of the common people. This information provides a factual basis for identifying priorities for attention. By far the most prevalent problems identified by the public involved corruption in the school system, so this became an early area of emphasis for investigation activities and prevention measures. The second most common complaint involved problems with traditional authorities demanding bribes to deal with land allocations and adjudicate disputes. Other serious problem areas included the police, customs, and immigration.

More recently, the Bureau has expanded its civic education program to include rural *indabas* (public meetings), providing villagers with a direct opportunity to voice their concern about improper conduct by local government officials and traditional authorities.<sup>23</sup>

Activities in the area of *prevention* got off to a slow start. During the first year of operations, the program was limited to discussions about reforming procurement practices, and the drafting of new regulations on contract disclosure. In 1998, the Bureau undertook a study of problems at road blocks and began surveillance of customs operations at the main airports. The program then expanded to include spot-check monitoring of decisions on national exam scoring and school placements, border posts, police road blocks, road traffic department offices—in collaboration with the responsible agencies. The Bureau is working with the Department of Customs and Excise to review and reform the legislation

---

22 At the time, there was no television station operating in Malawi.

23 Under the circumstances, criticism of traditional authorities tends to be indirect, but constructive nonetheless.

and regulations. In addition, they expect to finalize a new procurement code in 2001, in the form of a new act of Parliament in 2001 that will overhauling the rules and establish stiff penalties for violations. The Bureau is also working on legislation to protect whistle-blowers and to reduce the risk faced by insiders who report illicit deeds within their offices. On a broader front, the ACB will soon carry out (with World Bank support) a national survey on governance and corruption, using a methodology that has been developed and refined in other developing countries.

In the area of *enforcement*, the ACB had little capacity at the outset to pursue leads received from the public in response to the education campaign. Still, the Bureau sent a reply to every complainant, and every letter was examined and screened. (Many did not merit further attention.) Investigations began quickly on selected cases, and the docket-load expanded gradually as more officers were hired and trained. The first arrests came in mid-1998. By mid-1999, 61 investigations were concluded and 265 were under way (including numerous charges against cabinet ministers), 17 accused had been arrested, and two high-profile trials had commenced. Over the next 12 months, more than five-hundred sixty new complaints were authorized for investigation.<sup>24</sup> Just as important as the statistics are the standards: ACB investigators are being trained to a high professional standard, including strict adherence to due process.

Many cases, of course, prove in the end to be unsubstantiated or unsuitable for prosecution due to lack of adequate evidence. The first high-profile case leading to arrests arose in 1998. This case involved a prominent trader who allegedly evaded millions of dollars of duty and taxes by bribing customs officers. The case took an interesting twist when the director of public prosecutions (DPP) decided not to press charges on grounds that the payments were "loans" rather than bribes. This illogical (and suspicious) ruling was overturned by an indignant parliamentary committee. The case remained before the court even in late 2000. The second major case involved a minister who is alleged to have received payment from a construction company to arrange the award of a road contract. The amount of the pay-off was relatively small (around \$11,000), but the state lost millions of dollars in road work that was paid for and never completed. The minister was dropped from the government and formally charged. His trial ended recently with an acquittal (on somewhat questionable grounds).

In early 2000, the ACB was instrumental in getting two public contract awards overturned—one for national identity cards, and one for pre-shipment inspection services—involving millions of dollars of excess costs through failure to follow proper procurement procedures. As a result of these investigations, another prominent minister lost his cabinet post.

The most publicized anti-corruption action took place in November 2000, when the president dissolved Cabinet and dropped three ministers (as well as

---

24 Source: Progress reports of the senior to the ACB, various dates.

seven senior officials in the Ministry of Finance) based on preliminary reports of major irregularities in a procurements involving \$2.5 million in contracts for non-existent construction and maintenance services for the Ministry of Education<sup>25</sup> and contracts for computer equipment. In this case, information about the illicit practices arose from hearings of the parliamentary public accounts committee, in the course of reviewing the annual budget report from the auditor general. The allegations were turned over to the ACB for investigation. The president chose to take action without awaiting the final results of the investigation, let alone conviction in a court of law. The basis for this decision was that the ministers violated their constitutional oath of office by engaging in actions that were conducive to or connected to corrupt practices.<sup>26</sup>

### *Assessment*

The World Bank director for Malawi was recently quoted in the press saying, "Malawi's ruthless campaign to root out corrupt politicians and government officials [is] a role model for the rest of Africa."<sup>27</sup> It is easy to view this congratulatory claim cynically and say that Malawi's anti-corruption campaign generates more bark than bite. Despite the headlines, there have been few arrests and even fewer convictions. No big shots have been jailed. The suspicion remains strong and widespread that grand corruption is well entrenched in higher echelons of government while petty corruption remains an oppressive fact of life. Indeed, the situation is universally perceived as worse now than it was before the end of the repressive Banda regime.

Yet international evidence indicates that corruption is indeed less severe in Malawi than in many other countries of the region.<sup>28</sup> This may be partly a carry-over from the Banda days; the anti-corruption drive has undoubtedly achieved concrete results in each strategic area: education, prevention, and enforcement.

---

25 The education case involves 45 people under investigation for corruption, fraud, and embezzlement.

26 The constitutional provision, in Section 88(5), states, "The president and members of the Cabinet shall not use their respective offices for personal gain or place themselves in a situation where their material interests conflict with the responsibilities and duties of their offices."

27 The quotation is from: "Malawi's Graft-Busting Efforts Pay Off." *Mail and Guardian*. December 15, 2000, via <[www.mg.co.za](http://www.mg.co.za)>. The article also quotes the World Bank director as saying, "In many African states, government officials shield corrupt people. Anti-corruption bodies in such countries are mere paper tigers...but in Malawi the situation is different.... We are impressed with ACB's professional handling of investigations."

28 As noted earlier, Malawi ranks 43rd out of 90 countries in the TI's Corruption Perception Index 2000. The African Competitiveness Report 2000 ranks Malawi seventh out of 24 countries in the burden of irregular payments and fifth in the time absorbed in dealing with bureaucracy. But Malawi scores poorly (19th) in the quality and integrity of the police.

The civic education campaign has been effective in imparting information to the public about the need to fight corruption, from the grassroots level to the upper echelons of government. As a result of strong and consistent messages from the ACB and government leaders, ordinary Malawians are undoubtedly more aware that corrupt practices are unlawful, harmful, and not acceptable for public officers. The public also knows that corrupt acts can be reported to the ACB, and that at least some cases are seriously pursued. Thus, the ACB has taken laudable first steps in the long-term process of trying to foster an atmosphere that is less tolerant of corruption.

The main prevention efforts to date have taken the form of intermittent surveillance and inspection activities. However, an overhaul of government procurement procedures is well-advanced with active participation of the ACB. This may be the single most important element of the entire program, since procurement is the principle realm for grand corruption. Already, the country's structural adjustment program has led to the elimination of many controls, restrictions, and interventions that would otherwise serve as breeding grounds for corruption. There remains a great deal of work to be done, however, in eliminating red tape and enhancing transparency. The ACB can help by identifying the most serious problems and targeting efforts to find solutions, in collaboration with the relevant authorities, such as the Ministry of Education.

The Bureau's capacity to pursue investigations has expanded exponentially over the past three years as staff have been hired and trained. One would expect to see much more impact in the future in terms of disciplinary actions, arrests, and prosecutions. Much of this work involves unglamorous cases of petty corruption in areas identified by the public. These activities do not often make headlines, but they have a direct impact in helping to protect the poor from illicit charges or unwarranted denial of services.

In the face of serious constraints during its first three years of activity, it is remarkable how much has been achieved by the ACB. The visible benefits include the dismissal of several ministers, disciplinary action against a larger number of civil servants, and the closing of procurement schemes and reversal of contracts that cost the government well over ten million dollars. By any standard, the ACB has delivered results that justify the effort and expense involved in launching the anti-corruption drive.<sup>29</sup>

These achievements are a tribute not only to the quality of the Bureau's work, but also to the supportive political environment, including strong backing by the president, and surprisingly effective action by watchdog committees of Parlia-

---

29 According to a recent press report (Mail & Guardian, January 24, 2001), the Special Investigative Unit (SIU) in South Africa has also produced a high pay-off in fighting corruption. The SIU recovered or prevented losses totaling nearly R1.5 billion over the past two years, despite highly controversial restrictions on some major investigations.

ment. This political support has been a key factor in helping the ACB to pursue its mission. Yet a dependency on political support is also a sign of institutional weakness, since a change in attitudes at the top can reverse the progress that has been. Furthermore, it suggests that the "Malawi model" may not be transferable to countries where the political support is more tenuous.

Of course, the political environment can itself be altered by a campaign against corruption in two respects. On the one hand, an effective anti-corruption campaign, which heightens public concern and delivers visible benefits to the people, can create grassroots support for continuation of the policy. Pursuing the fight against corruption can then become a political asset. On the other hand, a successful campaign can threaten personal interests of political cadres. In many countries, this countervailing risk has led to a muzzling of anti-corruption operations. In Malawi, the ACB is somewhat sheltered from interference by virtue of its quasi-independent legal status.<sup>30</sup> In any case, the Bureau's operating strategy is designed to bolster positive feedback support and mitigate countervailing risks by: (1) emphasizing civic education and providing the public with an outlet for complaints; (2) paying serious attention to petty as well as grand corruption to demonstrate benefits to the people from anti-corruption activities; and (3) pursuing high professional standards for investigation and compilation of evidence to deflect possible "witch-hunt" charges.

Turning to technical considerations, the experience in Malawi demonstrates the value of establishing specific legislation to deal with corrupt practices. Standard criminal laws do not adequately cover many of the abusive practices pursued by self-seeking politicians and public officials. Also, there is a strong case for creating a quasi-autonomous organization such as the ACB. The alternative is either to handle corruption through existing systems, or to establish a special anti-corruption unit within an existing organization—as in South Africa.<sup>31</sup> In view of the fact that politicians and government officials, including the police, are the *targets* of an anti-corruption campaign, it makes sense to establish by legislation an anti-corruption organization *outside* the normal state apparatus, with maximum autonomy to pursue investigations and prosecutions. In Malawi, the police force has an extremely weak record in fighting any kind of crime, and corruption would be far from the top of their priority list. Also, civil service pay scales make it very difficult to recruit and retain highly qualified personnel. In such circumstances, starting afresh with a specialized institution offers the best prospect for success—if there is a serious political will to achieve results.

Creating an effective capacity to pursue investigations is only one step in the process of bringing corrupt officers to account. Under the British system, a DPP,

---

30 There has been one instance where the minister of justice attempted to interfere in an ACB investigation. This was challenged in the High Court, which ruled in favor of the Bureau.

31 See footnote 29.

who is responsible to Parliament, coordinates all criminal cases. In Zambia, decisions of the DPP can be overturned by the attorney general (AG) on "matters of public interest." This severely limits the scope for pursuing cases of grand corruption involving political insiders.<sup>32</sup> In Malawi, the AG does not have authority to intervene, so the decision to accept or reject a prosecution docket lies in the hands of the DPP. If a prosecution is rejected—as in the customs case noted earlier—the law requires the DPP to report to the Legal Affairs Committee of Parliament with an explanation. Thus, the system in Malawi has institutional checks and balances that increase the likelihood of strong cases getting to court. Still, the inability of ACB to recruit prosecution officers remains a serious weakness. The DPP's office is also short of legal professionals. In any case, the ultimate outcome of a prosecution depends on the quality of the court system, which in Malawi is very weak.

Even with a well-functioning justice system, convictions are inherently difficult to obtain due to the problems involved in establishing clear evidence of a *quid pro quo* involving an abuse of public office. Therefore, effective enforcement requires that alternative sanctions can be invoked. Possibilities include establishing procedures to reverse contracts awarded improperly; imposing disciplinary measures where there is a pattern of complaints; dismissing officials for actions conducive to corrupt practices or for violations of the oath of office; prosecuting suspects for tax evasion, based on imputed estimates of income (evidenced by unexplained expenditure or wealth); and creating of a legal basis for treating "illicit enrichment" as an offense in its own right.<sup>33</sup>

Just as the importance of touch and hearing is heightened by blindness, so is the importance of education and prevention in the fight against corruption heightened by the inherent difficulty of prosecution.

## V. CONCLUSIONS AND IMPLICATIONS

This paper has outlined the case for treating corruption as a serious policy problem and explained how Malawi recently established an anti-corruption program that appears to be fairly effective.

The principal conclusion is that *an effective program to combat corruption can yield high financial, economic, and social returns*. The clearest benefit takes the form of financial savings to the state from (1) averting improper contracts that involve inflated costs, inferior deliverables, or misdirected funds, and (2) enhancing revenue performance by reducing tax evasion involving bribery and collusion.

---

32 In one notorious case, the DPP approved the prosecution of a very prominent member of the cabinet, only to have the AG overturn the decision following premature press coverage of the imminent arrest. The Anti-Corruption Commission in Zambia, which has approximately sixty professional staff, including several prosecution officers, has been much more successful in convicting low-ranking public officers.

33 The latter option is emphasized by Pope.

Equally important, an effective anti-corruption program can directly benefit ordinary people by providing a channel for redressing unwarranted demands by civil servants for payments that the poor can ill afford. In addition, measures to combat corruption can improve overall economic performance by reducing the burden of irregular costs born by the business community, improving the quality of public services, and enhancing the investment climate.

How can a resource-poor government go about developing an effective program? The experience in Malawi suggests several basic considerations:

- A strong legislative framework is the foundation for dealing with corrupt practices. Existing criminal codes and laws governing state administration may fail to provide a clear and comprehensive definition of corrupt practices or appropriate penalties.
- Establishing an effective anti-corruption program requires strong and active support from top leadership.
- There is a good case for creating a separate agency to fight corruption. Existing institutions are unlikely to pursue corruption as a high priority, especially where the problem involves the same institutions or their political bosses. This inherent conflict of interest is best overcome by establishing a quasi-independent organization with appropriate checks and balances. This is especially important in countries where existing institutions for law enforcement are weak, and where it is difficult to establish a highly trained and disciplined cadre of officers. African governments that are serious about pursuing this route should find donors ready and willing to assist.
- Many countries have established anti-corruption agencies that proved to be completely inept. Generally, this result reflects a lack of commitment to deal with the problem. To achieve positive results, the political leadership must endow any such institution with capable managers, an adequate budget, and a proper measure of autonomy.
- An effective anti-corruption program involves not only *law enforcement*—which is what most people have in mind—but also *civic education* and *prevention*.
- The *prevention* component is the least understood and probably the most important. Enormous benefits can be achieved through measures such as overhauling procurement practices, eliminating red tape and bureaucratic discretion, introducing greater transparency in public administration, establishing stronger mechanisms for audit and control, developing more participatory approaches to program development and monitoring, and introducing modern systems of management information.
- Popular opinion tends to judge anti-corruption activities in terms of convictions for grand corruption. In fact, successful prosecution is difficult to achieve, due to the difficulty in obtaining solid evidence of the crime. Thus, the fight against corruption must include other meaningful sanctions, including removal from public office, based on different standards of proof.



- Petty corruption is equally important. In Malawi, most complaints to the Anti-Corruption Bureau involve grassroots problems, such as demands for bribes by teachers in exchange for better grades and test results. This type of corruption directly affects the welfare of the poor and must be a major priority for attention.
- Whatever tangible progress has been made in Malawi, corruption remains widespread and deeply rooted. It must be recognized, then, that the objective of an anti-corruption program is not to “win the war,” but rather to reduce the costs, reverse the trends, and demonstrate to the people that their government has the will to confront this sensitive problem.

Corruption in many African countries has reached epidemic proportions, demanding a serious response. The cost of allowing corruption to fester is high, in terms of financial, economic, social, and possibly political consequences. Hence, there is an immediate need for concrete action in virtually every country in the region. Many African leaders have acknowledged these facts, but failed to follow through with effective action. What steps, then, can be recommended to turn the political rhetoric into a genuine program to fight corruption?

In the absence of a firm commitment from top levels of government, the answer is simple: Not much can be accomplished. For leaders who are genuinely interested in seeking a solution—even a partial one that will not jeopardize their personal fiefdoms—a good starting point would be to convene a national conference on corruption to promote open debate about the best approach to developing an action plan to address the problem. For example, the national conference could discuss the creation of a task force with high-level leadership and active stakeholder participation, charged with submitting detailed recommendations to the government by the end of this year. The charge could include a review of legal and organizational arrangements similar to those adopted in Malawi.

Simultaneously, government can pursue a variety of direct measures to reduce the scope for corrupt practices. These include, notably:

- Initiating a comprehensive review of procurement practices to identify reforms that would tighten standards and enhance transparency in contract awards;
- Introducing full transparency in district and local budgets, empowering communities to monitor the use of their public funds;
- Intensifying existing efforts to simplify regulations and reduce the burden of red tape for investors and businesses;
- Supporting research on corruption, including commissioning a national survey of corrupt practices, to expand knowledge about the nature and cost of the problem;
- Introducing modules on corruption into the school curriculum and developing specialized training courses for civil servants;

- Directing major public-sector organizations to propose concrete steps to reduce opportunities for corrupt practices through preventative measures such as those outlined earlier in the paper;
- Developing a stronger code of conduct for high-level government officials, including procedures for declaration of assets;
- Demanding through international channels that partner countries adopt tougher laws and stronger procedures to control corrupt practices on the part of their companies and agencies when doing business in poor African countries;<sup>34</sup>
- Deepening the civil service reform program to improve salary scales and career paths while strengthening disciplinary sanctions and providing training to foster a service-oriented culture of public administration; and
- Using political rhetoric, in conjunction with concrete and serious measures to combat corruption, by government leaders to play a constructive role in setting the tone for more ethical public administration where the culture of corruption is no longer tolerated.

A key question left unanswered is how to foster the political leadership that is necessary for an effective campaign against corruption. A single case cannot provide a suitable answer, but it does provide evidence on a few points. First the chain of events in Malawi stemmed from adoption of the 1994 Constitution. This suggests that the impetus for reform was rooted in a deep national desire for more open and democratic governance. This cannot be a sufficient condition for reform in general, however, since corruption flourished in neighboring Zambia following a similar democratic transition in 1991. One would expect that the politics of fighting corruption should be influenced by highly publicized international statistics, an expanding body of research, and the dissemination of findings about high costs of corruption in Africa. In Malawi, however, there is no indication that research on the impact of corruption had anything to do with the establishment of the program. (Still, subsequent publicity about the high cost of illicit procurement practices appears to be bolstering support for the program.) In terms of a simple calculation of public interest, one might postulate that a government which takes firm steps to fight corruption should reap a political advantage. A few cases from Asia appear to fit this proposition (such as the Aquino government in the Philippines). In Malawi, however, it is not clear that the Muluzi administration has gained politically from the activities of the ACB, at least in the short run. Widespread revelations about corrupt practices have bred as much cynicism as relief that something is being done. Another possible motivating factor is pressure from donors. The record in Africa suggests that donor-driven programs are not effective. In Malawi, donor support certainly played a critical role in moving the pro-

---

34 Large cases of corruption often involve international businesses and organizations. The United States passed a tough Corrupt Practices Act in 1977, and the OECD adopted a new convention in 1999.

gram forward, but this was not the cause—despite the country's extraordinary dependency on foreign aid. The only clear conclusion about the politics of fighting corruption in Africa is that this is a fertile area for further study.

## References

- Cockroft, Laurence. "Implementation of the OECD Convention: Conditions for Success." Transparency International: Working Paper, 1999.
- Djankov, Simeon, Rafael La Porta, Florencio Lopez-de-Silanes, and Andrei Shleifer. "The Regulation of Entry." National Bureau of Economic Research: Working Paper 7892, 2000.
- Franco, António. "The African Competitiveness Report." Gabinete de Estudos, Ministério do Plano e Finanças: Discussion Paper No. 10, 2000.
- Gelbard, Robert. "Drug Trafficking in Southern Africa." In *War and Peace in Southern Africa: Crime, Drugs, Armies, Trade*. Edited by Robert Rotberg and Greg Mills. (Washington, DC: Brookings Institution, 1997), 172:184.
- Ghura, Dhaneshwar. "Tax Revenue in Sub-Saharan Africa: Effects of Economic Policies and Corruption." Washington: IMF Working Paper WP/98/135, 1998.
- Kaufmann, Daniel, and Shang-Jin Wei. "Does 'Grease Money' Speed up the Wheels of Commerce?" National Bureau of Economic Research: Working Paper No. 7093, 1999.
- Lambsdorff, Johann Graf, and Peter Cornelius. "Corruption, Foreign Investment and Growth." In *The African Competitiveness Report 2000/2001*. Edited by Klaus Schwab, et al. (World Economic Forum, and Center for International Development, Harvard University, Oxford University Press, 2000)
- Lambsdorff, Johann Graf. "Framework Document: Background Paper to the 2000 Corruption Perceptions Index." Transparency International, 2000.
- Lambsdorff, Johann Graf. "Corruption in Empirical Research: A Review." Transparency International: Working Paper, 1999.
- Oosthuysen, Glenn. "Shooting the Golden Goose: Small Arms Proliferation in Southern Africa." In *War and Peace in Southern Africa: Crime, Drugs, Armies, Trade*. Edited by Robert Rotberg and Greg Mills. (Washington, DC: Brookings Institution, 1997).
- Pope, Jeremy. "The Need for, and Role of, an Independent Anti-Corruption Agency." Transparency International: Working Paper, 1999.
- Rotberg, Robert I., and Greg Mills, eds. *War and Peace in Southern Africa: Crime, Drugs, Armies, Trade*. Washington, DC: Brookings Institution, 1997.
- Sanchez, Oscar Arias. Preface to *The TI Source Book*. Transparency International, 1996.
- Shleifer, Andrei, and Robert Vishny. "Corruption." *Quarterly Journal of Economics* 108 (1993), 599:617.
- Schwab, Klaus, et al. *The African Competitiveness Report*. World Economic Forum, and Center for International Development, Harvard University: Oxford University Press, 2000.
- Tanzi, Vito. "Corruption around the World: Causes, Consequences, Scope, and Cures." *IMF Staff Papers* 45:4 (1998), 559:594.
- Wei, Shang-Jin. "How Taxing is Corruption on International Investors?" National Bureau of Economic Research: Working Paper No. 6030, 1997.
- World Bank. *World Development Report 2000/2001: Attacking Poverty*. London: Oxford University Press, 2000.

World Bank and Center for Democracy and Governance. *The Ghana Governance and Corruption Survey: Evidence from Households, Enterprises and Public Officials*. 2000.

## REPARATION TO BLACK AMERICA: A LEGAL ANALYSIS

TIFFANY M. MCKINNEY\*

---

Sir: I got your letter, and was glad to find that you had not forgotten Jourdon, and that you wanted me to come back and live with you again, promising to do better for me than anybody else can....

I want to know particularly what the good chance is you propose to give me. I am doing tolerably well here. I get twenty-five dollars a month, with victuals and clothing; have a comfortable home for Mandy,— the folks call her Mrs. Anderson,— [sic] and the children—Milly, Jan, and Grundy—go to school and are learning well.... Now if you will write and say what wages you will give me, I will be better able to decide whether it would be to my advantage to move back again.

Mandy says she would be afraid to go back without some proof that you were disposed to treat us justly and kindly; and we have concluded to test your sincerity by asking you to send us our wages for the time we served you.

I served you faithfully for thirty-two years, and Mandy twenty years. At twenty-five dollars a month for me, and two dollars a week for Mandy, our earnings would amount to eleven thousand six hundred and eighty dollars. Add to this the interest for the time our wages have been kept back, and deduct what you paid for our clothing, and three doctor's visits to me, and pulling a tooth for Mandy, and the balance will show what we are in justice entitled to....<sup>1</sup>

---

\* Tiffany M. McKinney graduated in May 1998 with a B.A. from Yale University and graduated in May 2001 with a J.D. from New York University School of Law as a Root-Tilden-Kern Scholar and Junior Fellow in the Center for International Studies. This paper was originally produced while the author was a Fellow in the Institute for Transitional Justice at New York University School of Law in the spring of 2000. As such, the author would like to thank Professor Alex Boraine, deputy chairman of the South African Truth and Reconciliation Commission, Professor Derrick Bell, and the many others who lent their generous support. Having had professional experiences with the South African Truth and Reconciliation Commission, Operation Crossroads Africa, Inc., and the United Nations International Law Commission, McKinney is currently an Associate in New York at the law firm of Skadden, Arps, Slate, Meagher & Flom. This paper is dedicated in loving memory to Hezekiah McKinney.

<sup>1</sup> Jourdon Anderson to Colonel P.H. Anderson. 7 August 1865. In *The Debt: What America Owes to Blacks*. By Randall Robinson (New York: Dutton, 2000), 240:241. In the letter, Jourdan Anderson, once a slave in Big Spring, Tenn., to Colonel P.H. Anderson, responds to his former master's offer of employment.

## I. INTRODUCTION

One of the strongest legal claims for reparation to Black America springs from the oldest and most widely shared idea in our concept of justice: the prevention of unjust enrichment. Western legal thought begins with Aristotle's injunction that the primary function of corrective justice is the avoidance of unjust enrichment.<sup>2</sup> Aristotle posits, "The judge tries to equalize things by means of the penalty, taking away the gain of the assailant.... The just consists of having an equal amount before and after the transaction."<sup>3</sup>

Our common law has been shaped by these Aristotelian precepts of justice. The *Restatement of Restitution* (1937) Section 1 states, "A person who is unjustly enriched at the expense of another is required to make restitution to the other."<sup>4</sup> Section 3 states, "A person is not entitled to profit by his own wrong at the expense of another."<sup>5</sup>

During American slavery, the United States imported approximately four million<sup>6</sup> Africans, beginning with the first African slave arriving in the American colony in 1619.<sup>7</sup> His condemnation to lifelong servitude and legal status of property void of individual rights would not be formally abolished until 1865.<sup>8</sup> As bondsmen, African slaves were separated from loved ones, exposed to inhumane beatings and cruel whippings that often lead to death, and forced to complete grueling tasks from sunrise to sunset with scarce provisions of food and clothing.<sup>9</sup> These and other horrid conditions were placed upon the slave with complete support from and enforcement by the U.S. legal system.<sup>10</sup> Chisolm writes:

---

2 Neuborne, Burt. Memorandum of Law Submitted by Plaintiffs in Response to Expert Submissions Filed by Legal Academics Retained by Defendants, In re: Holocaust Victims Assets. NO. CV-96-4849 (US Dist. Court, Eastern District New York, 1997).

3 *Ibid.*, quoting Aristotle. *Nicomachean Ethics*, bk. v, ch. 4.

4 *Ibid.*

5 *Ibid.*

6 Blackvoices.com. <http://www.blackvoices.com/feature/reparations/legislation/>, retrieved on 28 February 2000.

7 Chisolm, Tuneen E. "Sweep Around Your Own Front Door: Examining the Argument for Legislative African American Reparations." *U. Pa. L. Rev.* 147 (1999), 678. ("The first Africans to arrive in the American colony were considered indentured servants. By 1640, due to Virginia's steady failure to satisfy the labor needs of the colony, some Africans in Virginia had become bondservants for life. The colonists began to see what neighboring islands in the Caribbean had already recognized, namely, that blacks could not easily escape, without being identified; that they could be punished, with impunity since they were not Christians; and that the supply was apparently inexhaustible. The statutory recognition of slavery for life came in 1661.") Quoted in *From Slavery to Freedom: A History of African Americans*. Edited by John Hope Franklin and Alfred A. Moss, Jr. (Boston: McGraw-Hill, 1994), 57.

8 Chisolm, 678.

9 Taylor, Yuval. *I Was Born a Slave: An Anthology of Class Slave Narratives*. Vol 1. (Chicago: Lawrence Hill Books, 1999).

The laws that were for the purpose of protecting the slaves were few and seldom enforced. It was almost impossible to secure the conviction of a master who mistreated a slave. In 1827, for instance, a Georgia grand jury brought in a true bill of manslaughter against a slave owner for beating his slave to death, but [the master] was acquitted. Several years later Thomas Sorrell of the same state was found guilty of killing one of his slaves with an ax, but the jury recommended him to the mercy of the court. [Given the lack of legal protection afforded the bondsmen], drunken masters had little regard for their slaves, the most sensational example of which is a Kentucky man who dismembered his slave and threw him piece by piece into the fire.<sup>11</sup>

Working as artisans, blacksmiths, harvesters, ironworkers, ship stewards, maids, cooks, drivers, child attendants, nurses, construction workers, and in a host of other occupations, these individuals labored in servitude for well over two hundred years.<sup>12</sup> Southern plantation owners, Northern businessmen,<sup>13</sup> and the United States as a whole realized tremendous gains from agribusiness, which was wholly dependent upon the labor of plantation slaves. Yet, these individuals—integral to both the former and current economic prosperity of the United States—were never compensated.

Upon President Abraham Lincoln's signing of the Emancipation Proclamation and the subsequent defeat of the Confederate army, the U.S. government found itself at a peculiar crossroads—determining the fate of the newly freed slaves. It was around this time that Pennsylvania congressman Thaddeus Stevens, a member of the 39th Congress, engineered a bill that would provide reparation to the newly freed bondsmen. Congressman Stevens' bill called for the federal government to remedy the grave injustices procured upon African people during enslavement through land redistribution. In particular, the bill granted the president the power to seize the property owned by the Confederacy, to free Blacks employed in arms or labor against the United States, and to divide these parcels amongst the freed slaves.<sup>14</sup> Despite much politicking by Congressman Stevens

---

10 *Dred Scott v. Sanford*, 60 U.S. 393 (19 How.), (1856). (Holding that black persons whether free or bond were not citizens of the United States and "had no rights to which the white man was bound to respect.")

11 Franklin, John Hope, and Alfred A. Moss, Jr. *From Slavery to Freedom: A History of African Americans*. (Boston: McGraw-Hill, 1994), 141.

12 Taylor.

13 Anderson, S.E. *Black Holocaust for Beginners*. New York: Writers & Readers Publishing, 1995. ("The 18th century founders (Nicholas and Joseph Brown of Newport, Rhode Island) of Brown University got their wealth by manufacturing and selling slave ships as well as investing in the Slave Trade.")

14 Levitt, Jeremy. "Black African Reparations: Making a Claim for Enslavement and Systematic De Jure Segregation and Racial Discrimination Under American and International Law" *S.U.L. Rev.* 25 (Fall 1996), 1.

and other interested parties, the bill would never be fully recognized—ensuring that reparation would never come to the former bondsmen.

In this note, I will provide several legal postures through which well-founded legal arguments can be made in support of reparation to present-day Black America, descendants of the enslaved. In part I of the note, I will highlight the various shapes the reparation campaign has taken throughout the course of U.S. history. In part II of the note, I will bolster the present-day reparation campaign by providing legal postures pursuant to domestic law that support restitution of this kind. In part III of the note, I will outline avenues through which claims for reparation could alternatively find success under international law. In part IV of the note, I will provide precedent in which reparation or an apology of some kind has been given on behalf of the U.S. government to certain groups. In part V of the note, I will offer a conclusion.

### **PART I. HISTORICAL DEMANDS FOR REPARATION**

In March of 1865, due to a two-year lobbying campaign organized by Benjamin F. Butler, Northern industrialist and abolitionist George W. Julian, Boston journalist Wendell Phillips, and abolitionist Frederick Douglass, Congress passed the reparation bill first proposed by Congressman Stevens.<sup>15</sup> In an effort to affect this legislative mandate, Congress then established the Bureau of Refugees, Freedmen, and Abandoned Lands.<sup>16</sup> Under the auspices of the Bureau, institutions geared towards the education of the freedmen such as Howard University in Washington, D.C.; Hampton Institute in Hampton, Va.; Atlanta University in Atlanta, Ga.; and Fisk University in Nashville, Tenn.; were established.<sup>17</sup> Additionally, land that was confiscated by the Union army was sold to freed slaves. In all, some 485,000 acres of land were sold at low rates to approximately 40,000 former slaves.<sup>18</sup>

In May of 1865, however, President Andrew Johnson vetoed the reparation bill and eventually had the confiscated properties restored to their previous plan-

---

15 Magee, Rhonda. "The Master's Tools, From the Bottom Up: Responses to African-American Reparations Theory in Mainstream and Outsider Remedies Discourse." *Va. L. Rev.* 79 (1993), 886:7. ("Pennsylvania Congressman, Thaddeus Stevens (1792-1868), championed the cause before Congress by demanding that the federal government remedy the grave injustices procured upon African people during enslavement by land redistribution. In a speech to the Pennsylvania Republican convention in 1865, Stevens called for the 'seizure of the 400 million acres belonging to the wealthiest 10 percent of Southerners. Forty acres would be ceded to each adult former slave. The remainder, some ninety percent of the total, would be sold to the highest bidder in plots, no larger than 500 acres.' In this way, Stevens sought to eliminate two aspects of Southern Society inimical to republican government; its landed aristocracy and its landless poor.")

16 Magee.

17 Franklin and Moss, 230.



tation owners.<sup>19</sup> President Johnson also ordered the Bureau to rescind all promises of land to the freedmen and to convince the former slaves to leave the land they had acquired and return to work as wage laborers to their former owners.<sup>20</sup> When noting on this period in U.S. history, Magee comments:

Thus [Southern] whites invoked the imprimatur of the federal government in their efforts to maintain the racial hegemony and economic structure developed through our history of White-over-Black slavery. By defining property rights of former slaves owners as superior to the remedial rights of the formerly enslaved, the federal government signaled its unwillingness to destroy the economic foundation of the racial hegemony it had assisted in creating in the South.<sup>21</sup>

The U.S. government's denial of land grants to the freedman forced the former slave into an exploitative relationship with his former master that mirrored his work conditions prior to emancipation—the sharecropping system.<sup>22</sup> Not only had damages not been paid to the former bondsman upon his emancipation, but the social order that persisted throughout his enslavement was reinforced in a most invidious nature—his freedom under the law but continued enslavement in all practical matters. Having never realized reparation to him on behalf of the U.S. government, the former bondman's uncompensated labor would be remembered throughout the annals of U.S. history, and the call for reparation to him would be reiterated throughout time.

Reparation activism has a history that spans well over 130 years.<sup>23</sup> During the initial campaign, Senator Charles Sumner of Massachusetts, who was a viable advocate for land redistribution, joined Congressman Stevens in his call for reparation.<sup>24</sup> During his advocacy, Senator Sumner stressed that “equality before the

---

18 Magee.

19 *Ibid.*

20 *Ibid.*

21 *Ibid.*

22 Franklin, John Hope. *Reconstruction after the Civil War*. Chicago: University of Chicago Press, 1961, 220. “There was no significant breakup of the plantation system during and after [R]econstruction. Day labor, renting, and sharecropping were innovations [to the freedmen's former plight], to be sure, but those occupying such lowly positions bore a relationship to the planter that, while it was not slavery, was nevertheless one of due subordination in every conceivable way.” At 234: “Once on the farm, either monthly wages or a share of the crop compensated black laborers for their work. Plantation wages ranged from \$9 to \$15 a month; where the sharecropping system prevailed, former slaves were allowed from one-quarter to one-half the cotton and corn produced.”

23 Ozer, Irma Jacqueline. “Reparations For African Americans.” *How. L.J.* 41 (1998), 479.

24 Magee. See also Woodson, Carter G. *The Miseducation of the Negro*. Hampton, Va.: U.B. & U.S. Communication Systems, 1992, 103.

law would not eradicate large disparities of wealth, status, and power.”<sup>25</sup> After President Johnson’s veto of the first reparation bill, Walter R. Vaughn, a white businessman from Selma, Ala., continued to lobby Congress to provide economic relief to the freedmen. Contemporaneously, Mrs. Callie D. House and Reverend Isaac H. Dickinson, believing that Blacks should not rely on Whites to obtain their rights, established the National Ex-Slave and Mutual Relief Bounty Pension Association, which also actively promoted reparation to the freedmen.<sup>26</sup>

During World War II, Senator Theodore Bilbo of Mississippi proposed a bill creating a Bureau of Colonization, which provided the migration and colonization of Black America to newly acquired territories.<sup>27</sup> Letters of support came from many black leaders, including the founder of the United Negro Improvement Association (UNIA), Marcus Garvey, who produced 2.5 million signatures of the group’s membership “pleading and begging for a physical separation of the races.”<sup>28</sup>

Reparations activism in the 1960s was due in large part to the Civil Rights Movement.<sup>29</sup> Prior to the assassination of Civil Rights leader Reverend Dr. Martin Luther King, Jr., in 1968, King’s work began to primarily focus on the activities of the Southern Christian Leadership Conference (SCLC), which aimed at economic development in Black America through its Poor People’s Campaign.<sup>30</sup> During his noted “I Have A Dream” speech, King stated, “America has given the Negro people a bad check, which has come back marked insufficient funds,”<sup>31</sup> highlighting the inadequacy of government policy towards Black America up to that point. Additionally, Nation of Islam leader Elijah Muhammad presented the Muslim Program, which demanded the establishment of territory separate from White America in which Black America could live and prosper. The program stated, “We believe that our former slave masters are obligated to maintain and supply our needs in this separate territory for the next twenty to 25 years—until we are able to produce and supply our own needs.”<sup>32</sup> Although neither the Civil Rights Movement nor the Nation of Islam coined the term “reparation” as such, the demands of both groups were in the letter and spirit of the reparation campaigns of old.

Reparation activism has continued throughout the recent past. In 1969, for instance, James Forman interrupted Sunday worship service at the then-predominately white Riverside Church in New York City and read the Black Manifesto.

---

25 Quoted in Magee, 887.

26 Verdun, Vincene. “If the Shoe Fits, Wear It: An Analysis of Reparations to African Americans.” *Tul. L. Rev.* 67 (1993), 597.

27 *Ibid.*

28 *Ibid.*, 603.

29 *Ibid.*

30 *Ibid.*

31 Quoted in Verdun, 604.

32 Quoted in Verdun.

The manifesto "demanded that the churches and synagogues pay \$500 million as a beginning of the reparations due us as a people who have been exploited and degraded, brutalized, killed, and persecuted."<sup>33</sup> The amount demanded by the manifesto had been adopted by the National Black Economic Development Conference prior to Forman's actions. The Conference sought to use the money "to establish a Southern land bank, publishing and printing industries, four audio-visual networks, a research skills center, a training center for teaching skills in community organizing and communications, a black labor strike and defense fund, a black university, and several other institutions."<sup>34</sup> The Conference intended to disrupt selected church and synagogue services until their demands were met.<sup>35</sup> More recently, in 1993, the Organization of African Unity (OAU) commenced its first meeting dealing with the topic of reparation in Abuja, Nigeria.<sup>36</sup> Statesmen such as Senegalese president Abdou Diouf and Jamaican human rights lawyer Dudley Thompson were in attendance. During the conference, the attendees drafted a declaration, which read, in part:

Recalling the establishment by the Organization of African Unity of a machinery for appraising the issue of reparations in relation to the damage done to Africa and to the Diaspora by enslavement, colonialism, and neo-colonialism; convinced that the issue of reparations is an important question requiring the united action of Africa and its Diaspora and worthy of the active support of the rest of the international community; fully persuaded that the damage sustained by the African peoples is not a theory of the past but is painfully manifested from Harare to Harlem and in the damaged economies of Africa and the black world from Guinea to Guyana, from Somalia to Surinam.<sup>37</sup>

In 2002, Black America continues its fight for reparation primarily under the auspices of the National Coalition of Blacks for Reparations (N'Cobra).<sup>38</sup> N'Cobra's five-point plan, in part, calls for "the development of a reparations fund by allowing all taxpayers to designate, voluntarily, a portion of their taxes to be held in trust to begin the long overdue payment of reparations."<sup>39</sup> Additionally, the organization seeks the passage of a bill, sponsored by Congressman John Conyers, a member of the 104th Congress, which establishes a Reparations Study Commission.<sup>40</sup>

---

33 Bittker, Boris I. *The Case for Black Reparations*. New York: Random House, 1973, 4.

34 *Ibid.*, 5.

35 *Ibid.*

36 Robinson, Randall. *The Debt: What America Owes to Blacks*. New York: Dutton, 2000.

37 *Ibid.*, 219.

38 National Coalition of Blacks for Reparations in America. <http://www.ncobra.com/nbusiness/ncobranews/newsdocuments/infoncobra.html>, retrieved on 20 February 2000.

39 *Ibid.*

Historically, the thrust of the reparation campaign has largely rested upon moral reasoning and thus has not fully considered the legal postures available to Black America with regards to this issue. Many legal arguments in support of reparation to Black America do exist, however, and some of the most compelling lie within the realms of domestic contract and tort law. Codified international law and jus cogens additionally provide a forum through which claims for reparation can be posited.

## PART II. DOMESTIC LAW AND REPARATION

### 1. *Contract Law*

In 1828, the Supreme Court decided *The United States v. 422 Casks of Wine*,<sup>41</sup> one of the first cases to find success under the law of unjust enrichment. In the case, Hazard and Williams claimed that the wine it had purchased as Malaga wine was falsely exported from New York under the name of sherry, for the benefit of the drawback.<sup>42</sup> Given the unjust enrichment that the defendant received from the misrepresentation, the Supreme Court ordered the defendant to pay restitution to Hazard and Williams. The Court's decision in this case illustrates the longstanding desire of the U.S. legal system to prevent the harms due to unjust enrichment.

Having profited for generations from the labor of the uncompensated African slave, the United States has been unjustly enriched through its practice of slavery. Unlike the plaintiffs in *The United States v. 422 Casks of Wine*, the African slave never received restitution with respect to the injury suffered by him. Hence, at the time of its emancipation, the slave community had a compelling cause of action against the U.S. government in accordance with the law of unjust enrichment.

With regards to the statute of limitations for bringing a present-day claim of unjust enrichment in a court of equity, since the theory of unjust enrichment is a legal argument based upon our conceptualization of restorative justice and not a product of codified contract law, the concerns of time-barred claims does not exist. In the court of equity, relief is sought based upon what the trier of fact believes is fair and just and is therefore not subject to what the law requires. Therefore, the descendants of African slaves, as heirs of those who suffered the injury, possess the legal wherewithal to collect the debt owed to their ancestors, for unjust enrichment is meant to cure the injury that has been inflicted by the assailant. It is in the circumstances, therefore, where the harm has yet to be rectified and the parameters of contract law do not provide redress that the law of unjust enrichment takes shape. The debt owed to the African slave has never been repaid and the benefit realized from his toil continues. Thus, it is difficult to conceptualize a theory of justice and, in particular, of unjust enrichment that would bar the advancement of a present-day claim for reparation.<sup>43</sup>

---

40 *Ibid.*

41 *The United States v. 422 Casks of Wine*. 26 U.S. 547 (1828).

42 *Ibid.*

A claim filed pursuant to the law of unjust enrichment would ideally encapsulate the period beginning with slavery and ending with the formal emancipation of the slave, the signing of the Emancipation Proclamation. This period effectively covers the event for which restitution would be sought: American slavery. Additionally, the cause of action must be prepared to effectively address two other crucial areas: the parties to the action and the relief sought.

First, with respect to the parties to the case, the defendant would be the U.S. government. Through coalescence by all three branches of the federal government, the United States instituted and enforced the slave system and after manumission established the freedman's and his descendants' perpetual badge of servitude. Consequently, the U.S. government committed the harm and is therefore the only reasonable defendant. In terms of the plaintiff class, reparation could be granted in the form of a trust to be overseen by identified leaders of Black America.<sup>44</sup> Since the election and role of leaders could become quite controversial, a fair and just process of election would be developed. Once elected, these leaders would use the monies in the trust to establish scholarships, rehabilitate dilapidated schools in black ghettos and rural areas, and provide other needed services in the black community at large.<sup>45</sup> Since the plaintiff would be Black America, the traditional plaintiff class would not be needed.

Second, the relief sought pursuant to a claim of unjust enrichment would not demand criminal sanctions for the defendant, but merely economic restitution for the unjust profits realized by the U.S. government through its enslavement of Africans. Although it could be argued that it would violate norms of fairness to impose *ex post facto* criminal sanctions on an individual whose activities were lawful at the time committed, no similar notion of justice exists that guarantees to the U.S. government the right to retain unjust profits earned by the uncompensated labor of African slaves. Consequently, the concern of instituting *ex post facto* law could not successfully defeat a claim of unjust enrichment.

Given the U.S. legal system's adoption of unjust enrichment into its legal code, the law of unjust enrichment provides a compelling legal argument for redress to Black America. Additionally, tort law provides a mechanism through which a claim for reparation can alternatively be brought.

## 2. Tort Law

Having established that the U.S. government committed wrongful acts against Black America, the tort claim can be made for damages due to the injuries sustained from these acts. Since tort law bars retroactivity of crimes that were legal when committed, slavery, legal when practiced, would not be a part of a tort claim for reparation. Instead, the claim would address the period beginning with eman-

---

43 Neuborne.

44 Robinson.

45 *Ibid.*

icipation and ending with the signing of the Voting Rights Act of 1965.<sup>46</sup> Although such a period would not include systematic abuses meted to Black America that occurred after 1965, it is strategically the most beneficial time frame for such a claim because relief would be sought based upon tangible harms—slavery and its progeny *de jure* segregation and racial discrimination, i.e., the Black Codes and Jim Crow<sup>47</sup>—committed with the support of and, at times, enforcement by the U.S. government against the African slave and his descendents. Moreover, extending the period to include *de facto* racial discrimination would make it more difficult to provide evidence of this more innocuous form of discrimination.

In order to establish such a claim, tort law requires a casual link between the wrongful act and the alleged injury.<sup>48</sup> The wrongful act that the claim would allege is the systematic brutality, deprivation of property and economic means, and psychological oppression placed upon Black America by private citizens with support from and, at times, enforcement by the U.S. government.

Such a claim would differ from the usual tort claim in that compensation would be to a group, not individuals.<sup>49</sup> Levitt writes:

The problem of specific identification of wrongdoers and victims is a common objection to [this model of] reparations. This reservation reflects a penchant for horizontal and vertical logic in legal doctrine. Privity, standing, and nexus are typical conceptual expressions of this compulsion for close and ordered relations between individual disputants. Reparations challenges this rigid order by suggesting new connections between victims and perpetrators.

---

46 Levitt.

47 Salzman, J., ed. *Encyclopedia of African-American Culture and History*. New York: MacMillan Library Reference, 1996, 1444. "As a way of portraying [black] Americans, Jim Crow first appeared in the context of minstrelsy in the early nineteenth century. Thomas 'Daddy' Rice, a white minstrel, popularized the term. Using burnt cork to blacken his face, attired in the ill-fitting, tattered garment of a beggar, and grinning broadly, Rice imitated the dancing, singing, and demeanor generally ascribed to Negro character. Calling it 'Jump Jim Crow,' he based the number on a routine he had seen performed in 1828 by an elderly and crippled Louisville stableman belonging to a Mr. Crow. 'Weel about, and turn about, / I jump Jim Crow.' The public responded with enthusiasm to Rice's caricature of black life. By the 1830s, minstrelsy had become one of the most popular forms of mass entertainment, Jim Crow had entered the American vocabulary, and many whites, north and south, came away from minstrel shows reinforced in their distorted images of black life, character, and aspirations. This dance created by a black stableman and imitated by a white man for the amusement of white audiences would become synonymous with a system designated by whites to segregate the races."

48 Levitt.

49 *Ibid.*

The standard torts claim resembles:

Plaintiff A (individual victim)

V.

Defendant B (perpetrator of recent wrong-doing)

V.

Defendant Class B (perpetrator descendants and current beneficiaries of past injustice, [i.e. the American citizenry])

In the African-American context, the second illustration would apply because several components of the standard legal claim are not part of the second illustration. First, the horizontal, intra-group connections are absent. Not all members of the victim groups are similarly situated. Some are rich, some poor. Some feel betrayed, others do not. For example, black descendants of the enslaved and living victims of discrimination include all persons who have been deeply scarred by enslavement, de jure segregation, or discrimination in general, including wealthy blacks who have managed to succeed in capitalist America. Although the intra-group connections appear to be absent, the benefits reaped by America (three centuries of free labor) and its citizenry (dominant group members) draw a direct connection between the United States government, the progeny of slave masters, and the victim group—the progeny of the enslaved.<sup>50</sup>

Establishing a causal link in a tort claim for reparation is quite straightforward because the historical record rebuts any counterarguments. The record establishes that the U.S. government committed acts of systematic oppression, brutality, and the like against Black America.

Upon establishing the causal link, tort law also requires that the plaintiff sufficiently establish the requisite proximate or *but-for* causation. In other words, those seeking reparations must demonstrate that *but for* the wrongful actions of the U.S. government, the alleged injuries would not have taken place.<sup>51</sup> Courts have reduced this analysis to consideration of the “innocence of the victim, the culpability of the wrongdoer, the foreseeability and magnitude of the harm, and the weight of the broad social goal of fair compensation, deterrence, and retribution.”<sup>52</sup>

Accordingly, the United States government’s treatment of blacks in America is a classical case justifying use of the principle of proximate cause. In this instance, the claim involves powerless black people in no way capable of contributing to the wrongful acts. This situation involves

---

50 *Ibid.*

51 *Ibid.*

52 *Ibid.*

the "gross imbalance of moral claim between the innocent and guilty to which the law is peculiarly sensitive." Regarding the foresee ability issue, the historical record clearly proves that the United States government and citizenry were well aware of the future impact of enslavement and subsequent de jure segregation and discrimination on future generations of African people. Thus, what a reasonable person would have predicted would occur, did in fact occur, thus satisfying one classic test for proximate causal connection.<sup>53</sup>

Once the judiciary has accepted that a wrong has taken place and there is a compelling legal basis pursuant to tort law upon which to grant relief, the mere logistics of the award should not preclude payment.<sup>54</sup> A coalition consisting of members of the legal profession, selected black leaders, financial advisors, and economists could be established to devise both an appropriate award and a practical method to deliver payment. Since it is the U.S. citizenry who have benefited from the prosperity of this country, which is directly linked to the wrongful acts committed against Black America, payment should come from U.S. taxpayers.<sup>55</sup> Although under such a scheme the very victims for whom the award is meant will also pay, once the trust becomes established, these same individuals will reap the benefits of the economic, social, and political programs that are created out of the funds.<sup>56</sup> Although immigrant populations, those who immigrated to the United States after slavery and *de jure* segregation and racial discrimination, and other groups may not have contributed to the specific injustices suffered by Black America, they too have benefited from the nation's wealth and prosperity, both of which have been made possible through the historical treatment of Black America. Consequently, requiring these communities to make payments of restitution through their federal tax payment is appropriate.

Both contract and tort law provide well-founded causes of action available to Black America with respect to establishing a legal mandate to grant reparation to this community. Notwithstanding the firm legal ground that these claims rest upon, they may nonetheless face formidable legal opposition.

Claims directly against the U.S. government in a domestic forum, for instance, are subject to the bar of sovereign immunity. Following the court's decision in *Chisholm v. Georgia*,<sup>57</sup> in which the court permitted a private citizen to bring suit against the state of Georgia, several states demanded that Congress amend the Constitution, prohibiting the ability of private citizens to bring suits

---

53 *Ibid.*

54 Magee.

55 Robinson.

56 Robinson.

57 *Chisholm v. Georgia*. 2 U.S. (2 Dall.), 419 (1793).

58 Bell, Derrick. *Constitutional Conflicts, Part I*. Cincinnati: Anderson Publishing, 1997, 127.



against the states.<sup>58</sup> After intense congressional debate, Congress enacted the 11th Amendment, which in part states, "The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by Citizens or Subjects of any Foreign State."<sup>59</sup> This amendment essentially precludes the initiation of a suit against the sovereign government without the sovereign's consent.<sup>60</sup> Consequently, a claim for reparation would be subject to the U.S. government's consent to be sued.

Additionally, as aforementioned, a claim pursuant to the law of unjust enrichment would only include slavery and would not extend to the injurious affects of *de jure* segregation and racial discrimination. Moreover, due to retroactivity constraints, the tort claim will not extend to activities that took place prior to manumission—consequently inhibiting the reach of this cause of action.

Despite these potential legal barriers to recovery, U.S. domestic law has laid a firm foundation through which it is possible for the reparation campaign to find success on the merits. Additionally, both codified international law and *jus cogens* provide a legal mechanism through which the call for reparation can be heard in the international arena.

### PART III. INTERNATIONAL LAW AND REPARATION

In 1995, the United Nations officially reported that the root of African suffering in the United States is a consequence of American enslavement and systematic *de jure* segregation and racial discrimination. Furthermore, the report implicates and criticizes the U.S. government for engaging in, enforcing, and condoning enslavement and systematic *de jure* segregation and racial discrimination.<sup>61</sup> Additionally, the Restatement of the Law Third, Foreign Relations, states:

Discrimination on account of race is prohibited by all the comprehensive international human rights instruments.... It is forbidden also by the constitutions of laws of many states. Racial discrimination is a violation of customary law [or *jus cogens*] when it is practiced systematically as a matter of state policy....<sup>62</sup>

Consequently, the U.S. government's past practice of systematic oppression and *de jure* segregation and racial discrimination against Black America was in direct violation of *jus cogens* norms of international law.

Moreover, in 1948, the United Nations General Assembly adopted the Universal Declaration of Human Rights, which lists a number of human rights as a

---

<sup>59</sup> U.S. Constitution, amendment 11.

<sup>60</sup> Gifts, Steven H. *Law Dictionary*. 4th ed. Hauppauge, N.Y.: Barron's Educational Series, 1996, 479.

<sup>61</sup> Yamamoto, Eric K. "Racial Reparations: Japanese American Redress and African American Claims." *B.C.L. Rev.* 40 (1998), 477.

<sup>62</sup> *Ibid.*

universal standard.<sup>63</sup> Article 4 of the Declaration, in part, provides that no one shall be held in slavery or servitude. It can be argued that Black America's situation during the U.S. government's practice of *de jure* segregation and racial discrimination was a relic of slavery and, thus, a form of slavery in violation of Article 4.<sup>64</sup>

Articles 1 and 55 of the United Nations Charter, additionally, demand fundamental freedoms to all, irrespective of race.<sup>65</sup> Levitt writes:

It has been argued that the general pledge of the members of the Charter... has been made definite by the Universal Declaration, and that failure by any member to respect the rights recognized in the Declaration is a violation of the Charter. Alternatively, it has been urged, the Charter, the Universal Declaration, other international resolutions and declarations, and other practice of states have combined to create a customary international law of human rights requiring every state to respect the rights set forth in the Declaration. Although the "binding character of the Universal Declaration of Human Rights continues to be debated," it is safe to say that the Declaration has "become the accepted general articulation of recognized rights." Thus again, it is evident that the United States government was well aware of its obligations under international law and the charter of the United Nations, but opted to infringe the human rights of a segment of the American population.<sup>66</sup>

Since the Declaration and Charter were both adopted in 1948, a case brought by Black America claiming U.S. violation of the two instruments would address the period from 1948 to 1965, the formal end of *de jure* segregation and racial discrimination. The Declaration provides a mechanism through which injured parties may bring their claims against state actors before an international tribunal, allowing Black America an avenue to voice their grievances against the U.S. government.<sup>67</sup> Consequently, pursuant to international law, Black America has the ability to bring a well-founded claim before a international tribunal that the U.S. government violated both the Declaration and UN Charter in its treatment of this community.

The practices of other nations further support an international claim for reparation to Black America. These practices include the Allies' claims made against Germany after World War I; reparations made by the Canadian government to the indigenous Inuit population; aboriginal recovery of money and large tracts of land from the Australian government; compensation to Korean women forced into prostitution by the Japanese government during World War II; and the Luxem-

---

63 *Ibid.*

64 Verdun.

65 *Ibid.*

66 Levitt.

67 *Ibid.*

bourg Agreement between the Germany government and the state of Israel following World War II, which granted Israel one billion dollars for the atrocities committed against its citizens by the German government.<sup>68</sup>

Claims against the United States in international forums must, however, overcome the United States' historic disregard for decisions made by the international community. In 1998, for instance, the Inter-American Commission of Human Rights condemned the U.S. government's conviction and execution of William Andrews, a black American.<sup>69</sup> The Commission opined that the conviction was the result of racial discrimination in the U.S. criminal justice system.<sup>70</sup> Despite the United States' membership in the organization and the organization's recommendation that the U.S. government compensate William Andrew's next of kin for the violations of Articles I, II, and XXVI of the American Declaration of the Rights and Duties of Man, the U.S. government refused to comply with the Commission's recommendations.<sup>71</sup>

The United States' blatant disregard of both the Inter-American Commission's recommendation and decisions made by international tribunals<sup>72</sup> casts a shadow over whether the government will accept an international decree granting reparation to Black America, should one be given. Notwithstanding these potential barriers to reparation, the ability to bring well-crafted legal claims before an international tribunal is particularly important because evidences of violations of the UN Charter and other international instruments, whether binding or not upon the subject state, have been employed in times past to legally or politically embarrass a nation into action. Therefore, Black America could employ this "shaming tactic" to compel the United States to actively address the issue of reparation. Moreover, despite the various forms of opposition that the legal campaign for reparation may face, U.S. public policy offers compelling precedent for restitution.

#### **PART IV. U.S. PUBLIC POLICY AND REPARATION**

Despite the legal difficulties facing the reparation campaign, the U.S. government has tacitly approved redress for harms it has committed against certain groups. U.S. public policy provides several examples where reparation or apologies of some kind have been made on behalf of the U.S. government for past transgressions committed against certain communities. One of the most gripping examples is the payment of restitution to those interned in Japanese American detention camps during World War II.

---

68 Robinson.

69 Yamamoto, 477.

70 *Ibid.*

71 *Ibid.*

72 International Court of Justice. *Germany v. United States of America* (1999); *Paraguay v. United States of America* (1998); <http://www.icj-cij.org/icjwww/idocket/ipaus/ipausframe.htm>, retrieved on 16 April 2000.

In 1941, Japanese forces attacked the U.S. naval base at Pearl Harbor. Ozer writes:

Ten weeks after the Japanese attacked Pearl Harbor, President Franklin D. Roosevelt signed Executive Order 9066, which authorized the Secretary of War to "prescribe military area... from which any or all persons may be excluded" and "to provide for residents [of] any such area who are excluded there from, such transportation, food, shelter, other accommodations as may be necessary."<sup>73</sup>

Once the West Coast was designated a military area, Japanese Americans were confined there and, consequently, lost homes, possessions, businesses, jobs, and educational opportunities.<sup>74</sup> At the time of their internment, Japanese Americans sued the United States, claiming that the detention violated the Due Process Clause of the Fourteenth Amendment. In *Korematsu v. United States*,<sup>75</sup> the court upheld the government's action, granting deference to the executive's military expertise in determining whether Japanese Americans posed sufficient danger to the United States to warrant their detention.<sup>76</sup>

In 1988, after intensive reparation campaigning, Congress passed and President Ronald Reagan signed the Civil Liberties Act of 1988.<sup>77</sup> In general, the purpose of the Civil Liberties Act was to: (1) extend an apology from the "people" of the United States; (2) make restitution of \$20,000 each to persons of Japanese ancestry who were interned and still alive on the date the bill was enacted or to the spouse, children, or parents of a person who was alive at the time of enactment but died prior to payment; and (3) establish a public education fund for the purpose of informing the public about the injury to the internees.<sup>78</sup>

In 1991, the United States Office of Redress Administration presented the first \$20,000 reparation check to the oldest Hawaiian survivor of the Japanese American internment camps.<sup>79</sup> These reparation payments to the victims were derived from the federal tax base.<sup>80</sup> Hence, at least four groups of *innocent* people paid the American government's debt to those interned: (1) those who were not born during the internment; (2) those who were alive yet objected to the internment; (3) those who immigrated to the United States after the internment; and (4) and those who had absolutely nothing to do with the internment.<sup>81</sup>

---

73 Ozer.

74 *Ibid.*

75 *Korematsu v. United States*, 323 U.S. 214 (1944).

76 *Ibid.*

77 Levitt.

78 *Ibid.*

79 Yamamoto, 477.

80 Ozer.

81 Chisolm.

Moreover, in 1923, during a weeklong orgy of hate, white lynch mobs killed six Blacks and drove survivors into the swamps near a prosperous black community in Florida.<sup>82</sup> This event became known as the Rosewood Massacre.<sup>83</sup> In 1994, Florida Governor Lawton Chiles signed House Bill 591 into law, providing the payment of \$2.1 million in reparation to the descendants of the black victims at Rosewood.<sup>84</sup> Additionally, the U.S. government apologized and offered reparation to the black survivors of the Tuskegee syphilis experiment,<sup>85</sup> and the premier American insurance company, Aetna Life Insurance, has issued a public apology and has been asked to consider reparation payments for the profits it made from insuring slaves in antebellum America.<sup>86</sup>

In 1921, a race riot broke out in Tulsa, Okla., in response to white frustration towards the prosperous black Greenwood district, known as the black Wall Street. When commenting on the events surrounding the riot, Chisolm writes:

[Whites] rampaged through the Greenwood district, breaking into homes, looting businesses, and attacking any black person they saw. At the height of the melee, bundles of dynamite were dropped from airplane[,] ... destroying everything. The resulting damage, in addition to fatalities, was the destruction of thirty-five city blocks, including 18,000 African-American homes, businesses, and churches.<sup>87</sup>

Some members of the black community remained in the town to rebuild; however, many left. In 2000, the federal government set up a commission to study the effects of the Tulsa riots on the once prosperous black neighborhood. After the study, the commission recommended that reparation be granted to the victims of this atrocity.

The U.S. government's actions with respect to considering and, at times, providing restitution to the victims of the Tuskegee experiment, the Rosewood Massacre, and the Tulsa riots offers strong support for reparation to Black America. Even more compelling is the government's restitution to Japanese Americans for their internment during World War II.

## PART V. CONCLUSION

During slavery, the U.S. government forbade the education of slaves, these individuals had little to no income, and they were unable to purchase land.<sup>88</sup> There-

---

82 Robinson, 225.

83 Yamamoto.

84 Robinson.

85 Yamamoto, 477.

86 Slevin, Peter. "In Aetna's Past: Slave Owner Policies." *The Washington Post*. 24 March 2000.

87 Chisolm, 696.

88 Taylor.

after, the U.S. government freed the bondsmen expecting them to become self-sufficient and arrive on equal footing with their white counterpart void of adequate education, land, and financial resources—the essential components of Lockean freedom.<sup>89</sup> The affects of the lack of restitution to this community can be seen in the condition of its descendants, present-day Black America.

In 2000, the economic gap between white and black families has not closed much since the 1960s,<sup>90</sup> and economists have concluded that the game of “catch-up” is virtually impossible after being robbed and obstructed for three centuries.<sup>91</sup> Due to the economic hardships experienced by Black America, the net worth of a black family is about one fourth that of a white family.<sup>92</sup>

Educationally, the masses of Black America living in poor communities receive below-standard educational training and resources. A report by the Community Service Society cites an official of the New York City Board of Education remarking that “there is no point in putting further money into some poor districts because new teachers will not stay there.”<sup>93</sup> The report notes:

Perhaps the worst result of such beliefs is the message that resources would be wasted on poor children. In the present climate, suggestions of racism must be made with caution. However, it is inescapable that these inequities are being perpetrated on [school] districts that are virtually all black.<sup>94</sup>

Statistics demonstrate, for example, that in 1988-89 the money allocated to a majority white, wealthy district in Princeton, N.J., (\$7,725) was more than twice the amount allocated to the majority black, poor district in Camden, N.J. (\$3,538).<sup>95</sup>

Moreover, in 2000, Black America represented approximately twelve percent of the population but accounted for 45 percent of prisoners nationwide; Blacks

---

89 Locke, John. *The Second Treatise of Government*. 3d ed. Oxford: Blackwell, 1966. “We have turned, or are about to turn, loose four million slaves without a hut to shelter or a cent in their pockets. The infernal laws of slavery have prevented them from acquiring an education, understanding the commonest of laws of contract, or of managing the ordinary business life. The congress is bound to provide for them until they can take care of themselves. If we do not furnish them with homesteads, and hedge them around with protective laws; if we leave them to the legislation of their late master, we had better have left them in bondage.” Quoted in *supra* 3.

90 National Coalition of Blacks for Reparations in America. <http://www.ncobra.com/nbusiness/ncobranews/newsdocuments/infoncobra.html>, retrieved on 20 February 2000.

91 *Ibid.*

92 *Ibid.*

93 Kozol, Jonathan. *Savage Inequalities: Children in America's Schools*. New York: Crown, 1991.

94 *Ibid.*, 99.

95 *Ibid.*, 236.

were 6.8 times more likely than Whites to be homicide victims; African-American families were 4.3 times more likely to live below the poverty level than white families; African Americans were only 65 percent as likely as Whites to own their own home; and the teenage pregnancy rates of Black America were twice that of White America. Additionally, the unemployment rate of Black America was more than twice that of White America; Whites were at least two times more likely to have completed four or more years of college than African Americans; and while the median income for Whites increased by 11 percent from 1970 to 1992, that of Black America decreased by 1 percent.<sup>96</sup>

There can be no adequate restitution for that great an injury that has been placed upon Black America. A grant of reparation, however, would provide a measure of redress where none has previously existed. In commenting on the affects of reparation, Matsuda writes:

[Reparation] recognizes the personhood of victims. [Reparation] is at its heart transformative. It recognizes the crimes of the powerful against the powerless. It condemns exploitation and adopts a vision of a more just world. The grant of reparations [must] declare: "You exist. Your experience of deprivation is real. This nation and its laws acknowledge you [and your past suffering]."<sup>97</sup>

In order to achieve these goals of reparation, we must go beyond the boundaries of our current political moment and look to what morality requires. Arguments in support of reparation to Black America do not exclusively lie within the realm of moral reasoning, however, but instead encapsulate something far more reaching and compelling—a true test of the U.S. legal system. For if the U.S. legal system functions as it was meant and the law embodies the legal notions it has been built upon, then the reparation campaign no longer needs to invoke the U.S. citizenry's morality to achieve eventual success, but could instead merely state its case in clear legalese and after which enjoy the success to which it is in morality and in the law rightly entitled.

If the emancipation of blacks were to be followed by their absorption into the mainstream of American life, it is conceivable that the only identifiable residue of slavery would be cultural—the folklore songs, literature, and myths of an earlier era. If this were to take place, restitution would not be appropriate. However, in actuality, our country is far too entrenched with and has greatly profited from notions of racial superiority; therefore, if we do not provide reparations, slavery will not be followed by equality but rather by a system of faltering progress.<sup>98</sup>

---

96 Chisolm, 687-9.

97 Matsuda, Mari. "Critical Race Theory and Critical Legal Studies: Contestation and Coalition." *Harv. C.R.-C.L.L. Rev.* 22 (1987), 74-5.

98 Bittker, 11-12.

[The body of the page contains extremely faint, illegible text, likely due to the quality of the scan or the original document's opacity. The text appears to be organized into several paragraphs.]



## DOES SENEGAL'S POLITICAL "ALTERNANCE" PORTEND IMPROVED ECONOMIC PERFORMANCE?

CLIVE S. GRAY\*

---

### INTRODUCTION

On his fifth try, dating from 1978, Abdoulaye Wade, Senegal's principal opposition leader since 1974, defeated the Socialist Party's (PS) 19-year incumbent Abdou Diouf in the presidential election of March 19, 2000, leading to the country's first experience with political *alternance*.<sup>1</sup> As a candidate, Wade identified unmistakable shortcomings in his predecessor's policies and management. This article looks for indicators of improvement in economic performance following the changeover. Finding that not much appears as yet to have changed, the article expresses the hope that President Wade's pan-African aspirations will not distract him from Senegal's specific problems.

The following section reviews the economic stagnation that led to 50 percent devaluation of Senegal's currency, the CFA<sup>2</sup> franc, in January 1994. The resumption of modest economic growth and its impact (or apparent lack thereof) on living standards is then examined. Section 4 reviews the lag in Senegal's industrial development as a major obstacle to improved living standards. Section 5 enumerates policy obstacles to increased investment in Senegal as identified in a recent joint Senegalese-U.S. research effort. Next we examine President Wade's economic philosophy as expounded in a recent publication, and the emphasis he has placed, during his first two years in office, on a pan-African growth strategy. The penultimate section looks at the most recent economic problems encountered by Senegal. In conclusion, we express the hope that the Wade administration will redouble its efforts to create a more "enabling environment" for private investment in Senegal.

### 1. ECONOMIC STAGNATION AND THE 1994 CFA FRANC DEVALUATION

President Diouf presided over a long period of economic stagnation, and even decline, after taking office in 1981. Average annual growth of gross domestic product (GDP) during the 13 years leading up to the 1994 devaluation was around

---

\* Clive Gray, a Harvard economics Ph.D., retired in September 2001 as a Senior Development Fellow in the Kennedy School of Government. For thirty years he served as Institute Fellow with the Harvard Institute for International Development, leading resident projects in Colombia, Ethiopia, Indonesia, and Morocco. During 1995-2001 he directed Harvard's USAID-financed, multi-country EAGER research project in Africa.

1 Senegalese do not regard the 1980 handover to Abdou Diouf by founding father Leopold Sedar Senghor as *alternance* since Abdou Diouf was the latter's prime minister and designated successor within the PS.

2.0 percent. This was well below the population growth rate, estimated at 2.7 percent.<sup>3</sup> Thus, per capita GNP (gross national product) declined during the period, reaching a level of around US\$600 equivalent in 1994.<sup>4</sup>

The president's level of understanding of the policy platform required to create incentives for foreign and domestic investment, employment creation, and exports was such that he resisted the devaluation to the bitter end. However, he by no means bears sole responsibility for the fact that the devaluation was delayed several years beyond the point at which most economists familiar with the franc zone (FZ) had concluded that the CFA franc's massive overvaluation was a major factor in the region's stagnation.

At their January 1994 summit meeting in Dakar, the FZ heads of state heard their principal financiers, the heads of the World Bank and IMF, as well as France's prime minister, confirm that no more balance of payments aid would be forthcoming unless the 14 governments<sup>5</sup> accepted the 50 percent change of parity. This after the IMF managing director had publicly stated only 18 months earlier, "The Fund's position is that when there is a problem of competitiveness, it is always better to take care of it at the root rather than attack the symptom, i.e., the value of the currency."<sup>6</sup>

As the last financier to board the devaluation bandwagon, the French government waited until September 1993 to inform the FZ heads of state that it would henceforth link its balance of payments (BoP) aid to agreements between the respective governments and the IMF—i.e., if the IMF told them to devalue, there would be no more BoP aid until they did so.<sup>7</sup> Until shortly before, the French had insisted that a change in parity would threaten preservation of the FZ monetary union by undercutting "monetary credibility." They argued that if the authorities devalued the CFA franc after insisting for 45 years on the inviolability of the 50:1 exchange rate, businessmen would not trust the new parity, confidence would be undermined, and speculation and capital flight would displace production and investment. It goes without saying that this train of thought represented the atti-

2 Communauté Financière Africaine. The currency serves 15 former European colonies (13 of them francophone) in West and Central Africa. The CFA franc's parity of 50:1 French franc, established in 1948, was changed to 100:1.

3 GDP series supplied by Ministry of the Economy and Finance, Dakar.

4 World Bank, *World Development Report—1996*, 188. Figure in 1994 prices.

5 In addition to Senegal, the West African members at the time were Benin, Burkina Faso, Mali, Niger, Togo, and Côte d'Ivoire. Guinea-Bissau joined the zone later. Seven other countries made up the FZ's Central African region.

6 Guéye.

7 "Chronique d'une Dévaluation Annoncée."

8 Cf. Duesenberry et al. Immediately after the change in parity the Council of French Investors in Africa complained to French Prime Minister Balladur that "the shock wave of the CFA devaluation for French investors could reach Ffr 10 billion this year" ("IMF Persuades French Africa to Go for Growth").

tudes of long-established French businessmen, not potential investors from other countries who might respond to enhanced FZ competitiveness.<sup>8</sup>

## 2. AFTERMATH OF THE DEVALUATION AND IMPACT ON LIVING STANDARDS

In 1995, starting one year after the parity change, with flight capital returning and an assist from favorable weather, Senegal achieved a growth rate of 4.8 percent, its highest in many years. During the next four years growth ranged between 5.0 and 5.7 percent, clearly a substantial improvement.<sup>9</sup>

During 1998-99, teams of sociology and economics students at the University of Dakar conducted a survey of perceptions of the course of the economy, evolution of living standards, and reasons for improvement or its obverse. The survey was carried out as part of a study on restarting and sustaining growth and development in Senegal, led by the University's Centre de Recherches Economiques Appliquées on contract to Harvard.<sup>10</sup> Respondents ranged from men and women "in the street" to business people, elected local government representatives, senior ministry officials, and "leaders of opinion."

Most of the respondents cited a continuing deterioration of living standards. According to one politician, "it is only the government, the World Bank, and some donors who see growth in Senegal; if growth exists, the income it generates is not being redistributed to the population. For us, growth is invisible." A trader added:

Senegal's population is becoming poorer, the peasants are deserting the countryside and rural migration intensifies the struggle for survival of people in the suburbs and slums. Hunger is growing, more and more city residents lack even one meal a day, and others don't have a roof.<sup>11</sup>

## 3. SENEGAL'S LAGGING INDUSTRIAL DEVELOPMENT

Insofar as development economists agree about anything, they share a consensus on the following points:

- A low-income economy cannot achieve a significant reduction in poverty (the proportion of the population living under some threshold of daily expenditure per capita) unless its GDP grows in excess of 6 percent per annum;
- Such an overall rate can only be achieved if value added in manufacturing grows considerably faster than 6 percent per annum; and
- A low-income domestic market cannot absorb manufacturing output increasing at that rate, hence exports of manufactures must grow still

9 1995: IMF, "Senegal: Statistical Appendix; others: IMF, "IMF Concludes Article IV Consultation With Senegal."

10 The study was part of a USAID-funded project called Equity and Growth through Economic Research (EAGER), initiated by the Harvard Institute for International Development (HIID) and transferred to the Kennedy School of Government's Belfer Center for Science and International Affairs upon HIID's dissolution in July 2000.

11 CREA, 168. Translation by the author.

faster, meaning that the sector must be efficient enough to compete at world market prices.

According to World Bank data, Senegalese manufacturing grew at 4.6 percent per annum during the 1980s, and 2.4 percent during 1990-98.<sup>12</sup> With impetus from the devaluation, manufacturing growth had picked up at the end of the latter decade—the most recent Bank data show a rate of just below 5 percent p.a. during 1999-2000.<sup>13</sup> Needless to say, this is still far below rates achieved by the East Asian “tigers” or by Africa’s most dynamic economy, Mauritius, whose manufacturing growth averaged 11.1 percent per annum during its take-off in the 1980s.<sup>14</sup>

President Diouf belonged to the majority of African policy makers who were, and still are, not yet willing to accept and put into practice the implications of the above-cited consensus. The East Asian tigers and Mauritius succeeded because their leaders acquired the “vision” that the way to grow was to facilitate a manufacturing sector sufficiently competitive to export more than half of its output.

The lack of vision in President Diouf’s case is illustrated by an episode that occurred in 1997. Early that year, the French fashion magazine *Elle* featured a model wearing shoes made by a Senegalese artisan. Senegal’s then-trade and industry minister (under Diouf), Idrissa Seck, informed the writer that, shortly after the magazine appeared, a French distributor called him to request three thousand pairs. Mr. Seck hurriedly contacted representatives of the shoe trade and the banking sector, only to be told it would be impossible to mobilize the craftsmen and obtain the necessary finance by the allotted deadline. It was with a sense of disappointment and frustration, according to Mr. Seck, that he had to decline the order.

What has this to do with visionary leadership? Suppose Senegal’s president, inspired by the example of his counterparts in East Asia and Mauritius, had previously made clear to his cabinet and other senior aides that expanding Senegal’s manufactured exports was a top economic priority, such that *inter alia* any relevant opportunity, or obstacle that threatened its realization, should be brought to his immediate attention. Could he not have established an emergency task force, its progress closely monitored, that would mobilize the shoemakers, a bank or two, and appropriate marketing channels? But in fact, President Diouf had long since made clear that he had different priorities, and the minister did not try to involve him.<sup>15</sup>

---

12 World Bank, *World Development Indicators*, 184.

13 World Bank, “Senegal at a Glance,” 1. Annual rates shown are 4.9 percent (1999) and 4.8 percent (2000).

14 *Ibid.*, 183.

15 Conversely, President Diouf responded to threats to regional security with great speed and efficiency—cf. military interventions conducted on short notice in The Gambia (1981) and Guinea-Bissau (1998): It is symbolic of the revolution in attitudes accompanying Mr. Wade’s accession to the presidency that Idrissa Seck, having left Diouf’s cabinet in 1998, is now President Wade’s chief of staff.

#### 4. CONTINUING OBSTACLES TO INVESTMENT IN SENEGAL

During 1998-99 a Harvard subcontractor employing U.S. and Senegalese researchers under the USAID-funded project known as EAGER<sup>16</sup> queried thirty-odd Senegalese firms (all but one industrial) about barriers that impeded them in taking advantage of an increasingly liberalized trade environment.<sup>17</sup> Eight problems cited most frequently by respondents were electricity supply, capital availability, access to markets/competition from imports, input availability, private sector-government relations, the labor market/labor code, transportation, and internal firm management.

Interpreting the responses, the researchers cited obstacles emanating from the respondents' own attitudes: Senegal's long tradition of protection and consequent rent-seeking, a weak tradition of research and development, lack of openness to the potential of the regional (West African) market, and lack of confidence in their ability to compete in a global market.

The report offers recommendations in most of these areas:

- Improvement of physical infrastructure—accelerated privatization of utilities and introduction of regulatory agencies to monitor ratemaking, etc.; also rehabilitation of the Dakar-Bamako rail line.
- A new regulatory apparatus to combat monopolistic practices of state-owned and privatized utilities.
- The financial market,—promotion of competition among banks and between bank and non-bank financial institutions to lower the cost of financial intermediation, lowering of barriers to entry, adoption of a national banking charter, deposit insurance, promotion of life insurance as a source of loan capital, and encouragement of nontraditional methods of financing (e.g., leasing) through tax concessions.
- Simplification of temporary customs duty and related taxes to ensure Senegalese firms quick and low-cost access to imported inputs.
- Better private sector-government relations through improvements in legal and regulatory environment. Senegalese enterprises encounter shakedowns from tax and customs officials, and a general decay of urban law and order.
- Technical assistance to improve management practices of Senegalese firms.
- Research on a variety of issues: tax incentives and other factors influencing trade and investment in Senegal in the context of UEMOA<sup>18</sup> harmonization; causes of low labor productivity; motivations of informal-sector entrepreneurs, pointing toward creation of institutions able to help raise productivity; studies on subsectors (e.g., textiles) where Senegal has com-

---

16 See footnote 10.

17 Beltchika-St. Juste and Thiam.

18 Economic and Monetary Union of West Africa (Union Economique et Monétaire Ouestafricaine) of the FZ West African section.

petitive potential, especially in the UEMOA context; comparison of Anglophone and Francophone financial institutions in Africa to understand why the former seem more competitive.

### 5. POLICIES OF THE WADE ADMINISTRATION

Unquestionably an erudite man, President Wade holds degrees in mathematics, law, and economics and served a term as dean of the University of Dakar Law School. The first thing to be said in his favor in the context of this essay is that he is widely reputed among Senegalese intellectuals to have accepted at an early point (perhaps as early as the late 1980s) that overvaluation of the CFA franc was putting a brake on Senegal's economic growth. Allegedly because of the sensitivity of the subject—including *inter alia* the fact that a number of interest groups whose votes Wade's Senegalese Democratic Party (PDS) sought were apprehensive of price realignments that would follow a devaluation—this view is not recorded publicly in any medium to which this writer has gained access.

How far has Mr. Wade as president gone towards accepting and implementing the alleged "consensus" of development economists cited above?

A recent expression of his views comes from the first (Winter 2000/01) issue of a new journal, *African Geopolitics*, distributed in January 2001. Interviewed by journal staff, Wade affirms his desire to be remembered as "the president who freed Senegal from woolly-minded and ruinous socialism in order to put transparent and efficient free trade practices in its place."<sup>19</sup> He goes on to cite the PS regime's establishment of 300-odd state-owned enterprises (SOEs), "all (of which) went bankrupt." Their subsequent privatization at bargain prices generated another "huge waste."

After listing several large-scale infrastructure and cultural projects to be implemented during his presidency, Wade reiterates his economic philosophy:

...I'd like to be remembered as the one who persuaded Senegal that free enterprise allows the country's economy to develop faster and better. My wager is to show too that resorting to the market can attract massive investments that were only thought possible if they came from the World Bank or foreign aid. I hope that I'll be able to tell the people at the international financial institutions one day: "Thank you for offering to fund this project, but I've found a better way: private investors and guaranteed good management."

### 6. PRESIDENT WADE'S PAN-AFRICAN INTERVENTION

Soon after taking office, the new president displayed aspirations towards regional leadership that culminated in his presenting, at the January 2001 World Economic Summit in Davos, Switzerland, a "Plan Omega" calling for massive investment in

---

<sup>19</sup> Wade, 18.

education and infrastructure, notably roads, railways, and other transport facilities linking African countries. A Dakar newspaper quoted him as attributing the plan to "Keynesian inspiration."<sup>20</sup> Two-thirds of the profits flowing from the investments in question would go to foreign investors, the rest to Africans.

Encouraged, so he told the Senegalese press, by the reception accorded his plan by world political and business leaders, Wade convened Senegal's fifty leading economists at the presidential palace. Press accounts refer to the launching of a Dakar School of economic thought, "along the lines of American, European, and Asian schools," concerned with alternative models of economic development. A second meeting ended with the formation of commissions to deal with "foreign exchange reserves of African countries, notably the UEMOA," external debt, balance of payments, analysis of the international monetary system, and globalization.

At the July 2001 summit meeting of the Organization of African Unity (OAU), Wade's Plan Omega was merged with a Millennium Partnership for the African Recovery Programme, enunciated earlier by the presidents of South Africa, Nigeria, and Algeria in a New African Initiative. In October 2001, African leaders meeting in Abuja, Nigeria, renamed the initiative New Partnership for Africa's Development (NEPAD), the title persisting at the time this paper was written (March 2002).<sup>21</sup>

NEPAD's documentation describes it as "a holistic, comprehensive integrated strategic framework for the socioeconomic development of Africa."<sup>22</sup> A 70-page policy document says NEPAD provides "three new key elements" in regional development policy. "Namely, it is African-developed, -managed and -owned; it brings the concept of a new partnership (with mutual commitments, obligations, interest, contributions and benefits); and Africa is undertaking certain commitments and obligations in its own interests which are not externally imposed conditionalities."<sup>23</sup> Since October 2001, President Wade has promoted NEPAD in a number of external fora, including the January 2002 World Economic Forum meetings in New York, a February 2002 meeting in Paris sponsored by the Organization for Economic Cooperation and Development and the African Development Bank, and events during the course of recent state visits to The Gambia and Mauritius.<sup>24</sup>

The Abuja meeting established "task teams" to identify projects and implementation strategies in five priority areas. President Wade heads the team responsible for no less than infrastructure, the environment, information and communications technology, and energy. In this capacity he organized a conference of African leaders in Dakar in mid-April 2002 on "the role of the private sector in financing African development."<sup>25</sup>

---

20 This and following paragraph based on *Le Soleil* (February 5 and 12, 2000).

21 UNDPI, 11.

22 NEPAD Secretariat, 1.

23 NEPAD Secretariat, 71.

24 *Le Soleil*, various issues, January-March 2002.

### 7. MEANWHILE, BACK ON THE RANCH...

The emphasis given to pan-African issues raises the question as to what attention the new administration is giving to ways of accelerating Senegal's own economic growth. Senegalese observers interviewed in Dakar in early 2001 said that, nine months after taking office, the Wade administration was still enjoying a honeymoon with public opinion although no major innovations in economic policy had yet been seen.

The new government interrupted the single largest SOE privatization, launched after a protracted delay under President Diouf—that of SENELEC, the national power utility. The “strategic investor,” a French and Canadian consortium (Elyo and Hydro-Québec) that purchased one-third of SENELEC's equity and started managing it in 1999, was accused of failing to meet commitments to improve efficiency, notably by curbing frequent power outages, and expand the power grid. The Economist Intelligence Unit speculates that the decision to “deprivatize” may have been spurred in part by longstanding opposition of trade unions and resentment by Senegalese managers of numerous expatriates in key positions.<sup>26</sup>

New guidelines announced by the Wade administration regarding privatization policy include:

- Stress on “national sovereignty,” implying stiffer bargaining with foreign purchasers and insistence on Senegalese investor participation;
- Requiring purchasers to adhere strictly to terms of privatization contracts; and
- Ensuring cooperation with “all countries” and investors, implying a less privileged status of French investors.<sup>27</sup>

These guidelines seem unobjectionable, but the issue, as always, is what weight will be given to them as opposed to the economic imperative of withdrawing the public sector expeditiously from activities in which it has proved to be inherently inefficient. The immediate impact of continued delay in privatizing the groundnut (peanut) trade and of SENELEC's deprivatization was sharp increases during 2001 in the debt of both SONACOS, the groundnut SOE, and SENELEC, burdening government finances and the banking sector.<sup>28</sup> As a result, further drawings on the IMF's Poverty Reduction and Growth Facility were made subject to detailed conditionalities in both sectors.

---

<sup>25</sup> *Ibid.*

<sup>26</sup> EIU, 25.

<sup>27</sup> *Ibid.*, 18-19.

<sup>28</sup> IMF, “Senegal: Article IV Consultation Report,” 1-2; and “IMF Concludes Article IV Consultation with Senegal,” 3. SONACOS faced debts equivalent to 1.9 percent of GDP at end-2001, while SENELEC's arrears vis-à-vis petroleum companies and other suppliers totaled 1.2 percent of GDP.



## 8. CONCLUSION

What are the implications of Senegal's ongoing economic problems, as described in sections 4 and 7 above, for the Wade administration's policies? In the writer's view, Senegal's able new president, based on his expressed view that massive private investment is the route to economic growth, has to weigh conflicting demands on his administration's time and energy between improving the environment for investment in Senegal and pursuing a grandiose strategy to develop the continent.

There is no question that the president of Senegal, as the leader of a prominent African country, is called upon to participate in African fora and address continent-wide issues. Still, in this writer's view, for the foreseeable future, the primary impetus to growth of the majority of African countries, including Senegal, must come from their participation in the global economy. This involves expansion of exports mainly outside Africa, and hence investment oriented towards producing those exports.

On his March 2002 visit to Mauritius, President Wade saw first-hand what Africa's fastest-growing economy has accomplished in this regard. (He is to be complimented for selecting Mauritius for early inspection.) In the late 1950s, sugar and molasses accounted for 98 percent of Mauritius' exports.<sup>29</sup> In the 1970s, Mauritius launched a process of industrialization based on easy access to imported inputs (Export Processing Zones). By 2000 sugar's role in exports had dropped to 15 percent, and manufactures accounted for 62 percent.<sup>30</sup> In 1970 Mauritius' per capita gross national income (GNI) was 1.75 times the median for thirty African countries for which the *World Bank's World Development Indicators—2001* gives both 1970 and 2000 data. In 2000 its per capita GNI, equivalent to \$3,800, was 11.2 times the median.<sup>31</sup>

President Wade could also look (and very likely is looking) at Asian countries such as Korea whose leaders took a task force approach in attracting private investment and inducing producers to break into export markets. Export targets were set on a firm-by-firm basis, and entrepreneurs were helped to overcome obstacles and rewarded for achieving the targets. When the government was asked to help mobilize a shipment (such as the three thousand pairs of shoes that a French importer wanted from Senegal in 1997), the political leadership was immediately informed and took the necessary steps. It is to be hoped that the Wade administration will institutionalize such an approach in Senegal.

---

29 Findlay & Wellisz, 224.

30 World Bank, "Mauritius at a Glance," 2.

31 Calculated by the author from data downloaded from World Bank, *World Development Indicators*.

## REFERENCES

- Beltchika-St. Juste, Ndaya, and Mabouso Thiam. "Barrières à l'Expansion des Affaires dans un Nouvel Environnement—Le Cas du Sénégal." Project EAGER: African Economic Policy Discussion Paper No. 31, 1999.
- Centre de Recherches Economiques Appliquées, Université Cheikh Anta Diop. "Relance et Durabilité de la Croissance Economique au Sénégal". Unpublished Working Paper, 2000.
- "Chronique d'une Dévaluation Annoncée." *Jeune Afrique Economie* 173 (November 1993), 112:117. Paris.
- Duesenberry, James S., Clive Gray, Jeffrey Lewis, Malcolm McPherson, and Stephen Younger. "Improving Exchange Rate Management In Sub-Saharan Africa." Harvard Institute for International Development: CAER Discussion Paper No. 31(rev.), 1996.
- Economist Intelligence Unit. "Country Report—Senegal." January 2001.
- Findlay, Ronald, and Stanislaw Wellisz. *Five Small Open Economies. A World Bank Comparative Study: The Political Economy of Poverty, Equity, and Growth*. Washington: published for the World Bank by Oxford University Press, 1993.
- Gray, Clive, and Malcolm McPherson. "Structural Adjustment and Growth in Sub-Saharan Africa: The Importance of Complying with Conditionality." *Economic Development and Cultural Change* 49 (July 2001), 707:741.
- Guéye, Ousseynou. "Sommet de l'UMOA—Banco à Paris?" *Wal Fadjri* 324 (31 July –6 August 1992). Dakar.
- "IMF Persuades French Africa to Go for Growth." *Financial Times*. (13 January 1994), 4.
- International Monetary Fund. "Senegal: Statistical Appendix." IMF: IMF Staff Country Report No. 99/5, 1999.
- \_\_\_\_\_. "IMF Concludes Article IV Consultation with Senegal." IMF: Public Information Notice (PIN) No. 00/66, 16 August 2000.
- \_\_\_\_\_. "Senegal: Article IV Consultation Report." Washington, D.C.: IMF, September 2001.
- \_\_\_\_\_. "IMF Concludes Article IV Consultation with Senegal." IMF: Public Information Notice (PIN) No. 01/107, 18 October 2001.
- Le Soleil*. Articles in various issues accessed via Internet. January-March 2002.
- Le Soleil*. "Le président Wade expose son plan Omega pour l'Afrique," and "Autour du plan Omega : vers une radioscopie de la dette extérieure." (February 5, 2001, and February 12, 2001). [Dakar daily newspaper].
- New Partnership For Africa's Development (NEPAD) Secretariat. "NEPAD Policy Document." <http://www.nepad.org/Documents/AA0010101.pdf>. Retrieved October 1, 2001.
- \_\_\_\_\_. "NEPAD in Brief." <http://www.nepad.org/Documents/AA0010102.pdf>. Retrieved January 18, 2002.
- United Nations Department of Public Information (UNDPI). "Momentum builds for African plan." *Africa Recovery* 15:4 (December 2001).
- Wade, Abdoulaye. "Free Markets, Fair Elections, Getting Beyond Africa's Crises". *African Geopolitics* 1 (Winter 2000/2001).
- World Bank. *World Development Report—1996*. Washington, D.C.: World Bank, 1996.
- \_\_\_\_\_. *World Development Indicators—2000*. Washington, D.C.: World Bank, 2000.
- \_\_\_\_\_. "Senegal at a glance." Washington, D.C.: World Bank, 21 September 2001.

\_\_\_\_\_. "Mauritius at a Glance." Washington, D.C.: World Bank, 24 September 2001.

\_\_\_\_\_. *World Development Indicators—2001*. Washington, D.C.: World Bank, 2002. Available for online subscription at <http://publications.worldbank.org/WDI/>.



## A RE-EXAMINATION OF THE TULSA RACE RIOT FROM A DISASTER MANAGEMENT PERSPECTIVE

MARIA TRENT\*

---

### INTRODUCTION

On May 30, 1921, a frenzied mob looted and burned 35 blocks of businesses, churches, and homes in a prominent and pioneering African-American community. On the one hand, the violence against this group of African Americans represents just one of a series of similar events during this time period. However, the events in Tulsa and the management of the aftermath of the race riots had important implications for public officials' management of disasters. Specifically, the making and aftermath of the racially inspired disaster in Tulsa demonstrates the essentiality that public officials provide impartial, comprehensive, and coordinated care to victims of disaster. Equally important, the Tulsa case is unique because it is the first time that a man-made disaster resulted in the involvement of the American Red Cross (ARC), an organization chartered by Congress in 1905 to provide services to the victims of disaster.<sup>1</sup>

The Tulsa case represents some of the worst of what a post-Civil War America offered to African Americans, but it also reveals the necessity of impartiality, compassion, organization, and leadership in the field of public health and disaster management. In our current era of significant racial and ethnic disparities in the United States, it is important that public health professionals have an accurate understanding of the historical events that have influenced the socioeconomic status and distribution of health services to underrepresented groups.

In this article, I will review the setting that engendered the race riots and interrogate the roles of various agencies involved in the disaster—both those that contributed to the development and prolongation of the incident as well as those credited with the organization of disaster relief and care of the victims. Notably, I contrast the effectiveness of the ARC's impartiality in managing the aftermath of race riots with the racially influenced response of public officials.

### TULSA 1921

In order to understand the significance of this disaster and the public health intervention that followed, one must also understand the time period and setting in which the event occurred. Tulsa was a boomtown that prospered primarily as the result of natural oil resources and industry. African Americans as well as Whites moved to this area in search of a better life. Although African Americans were pri-

---

\* Maria E. Trent, M.D. (University of North Carolina), M.P.H. (Harvard University), is an Assistant Professor of Pediatrics at Johns Hopkins University.

<sup>1</sup> Lee, 247-248.

marily service-oriented and worked in the white areas of Tulsa, they were otherwise unwelcome in the white section of the city. As a result of this social segregation, African-American businesses flourished in the Greenwood section of Tulsa. Just before the incident occurred, the list of four hundred businesses included theatres, department stores, tailors, real estate offices, barbershops, beauty salons, restaurants and cafes, insurance companies, grocery stores, physician and dentist offices, and a hospital.<sup>2,3</sup> Greenwood was so successful that it was coined the Black Wall Street by Booker T. Washington.<sup>4</sup>

The post-World War I economic declines left the businesses in the Greenwood relatively unaffected. As a result of the economic segregation in Tulsa, Greenwood businesses were less influenced by outside competition because Greenwood citizens were discouraged from purchasing basic goods and services in the white sections of town. On the contrary, the economy of the white section of Tulsa was experiencing a significant recession, causing resentment within the white community regarding Greenwood's prosperity. To boost the sagging economy, the Tulsa city leaders thought that laying down a railroad would greatly improve the town's economy. To fully develop the potential of the railroad, the businessmen of Tulsa wanted to obtain the Greenwood section for industrial development. Unfortunately, this meant that the people residing in the Greenwood district would need to be moved out. While this strategy was not explicitly mentioned before the disaster, my conclusions are based on the editorials<sup>5</sup> and the report of a white real estate group's plan to replace the Greenwood district with an industrial area intersected by the railroad within 48 hours of the disaster.<sup>6</sup>

This was also an era of lynching, an American tradition by which a person is hanged outside of the auspices of the law. Charles Lynch developed lynching during the American Revolution to deal with the criminal element that was rising in an isolated environment and to expedite the process of the judicial system, as the nearest court was several hundred miles away. Though expeditious, lynching represented a deviation from the established right of the accused to a fair trial.<sup>7</sup> Lynching of African Americans was not prevalent prior to the Civil War because there were other methods available to slaveholders to maintain control. After the Civil War, slavery was no longer an American institution, and lynching was rebirthed as a means for Whites to maintain their sense of supremacy and to terrorize and coerce African Americans. Lynching became the method of destruction for African-American bodies or those too sympathetic to African-American experiences through public burning, hanging, beating, dismemberment, and other various methods of torture.

---

2 Parrish, 115-126.

3 Greenwood Chamber of Commerce.

4 Chase, 50.

5 *Tulsa Tribune*, 3 June 1921.

6 Parrish, 131-135 (notes from James and Ethel Blair).

7 Berea College.

While local, state, and federal court systems were in place to deal with any accused criminal act in Tulsa during this time period, Tulsa was no exception to lynching. Such duality is important to note because the initial reaction of the African-American community to act within the confines of the law marked the start of the race riots. But lynching in a racist community, where those responsible for murder by lynching were not held accountable (such as in Tulsa), enabled lynching to become a legitimate means of controlling the behavior of African Americans.<sup>8</sup> The majority of lynchings in Tulsa were of African-American men accused of a crime or what was thought to be insubordinate behavior, such as looking a white person in the eye. Earlier in that year, however, a white male, Roy Belton, was lynched for the accused murder of another white male.<sup>9</sup>

It might seem to those in the African-American community that if this crowd would lynch one of their own community before clearly establishing guilt, then there was relatively little to keep them from doing the same to members of the African-American community. Yet, this was not necessarily the view of all in the African-American community, which now included post-World War I veterans. These men had experienced some equality and respect during their tenure in the military and travel abroad and had internalized the government's rhetoric about democracy. This, along with the growing Civil Rights movement and the prosperity experienced by many in the community, resulted in a minimalization of fear and a call for self-defense of life and property should such illegal acts such as threat of lynching befall a member of the community again.<sup>10</sup>

#### THE EVENTS OF MAY 30-JUNE 1, 1921

On May 30, 1921, Dick Rowland was arrested for the presumed assault on a white female operator, and *Tulsa Tribune* published two inflammatory articles, "Nab Negro for Attacking Girl in Elevator" and "To Lynch Negro Tonight."<sup>11</sup> Although there was significant alarm in the Greenwood community, there was also an element that desired self-defense. To that end, thirty armed men from the Greenwood community went to the courthouse to offer their assistance to the law enforcement officers in an attempt to prevent Rowland from being lynched. At that point a mob of four-hundred white people assembled outside of the courthouse where Rowland was being held. Although the African-American men were convinced of Rowland's safety and left shortly, their presence motivated the crowd of white men to attempt procurement of the arms and ammunition from the armory. After this attempt failed, their numbers rose to fifteen-hundred to two thousand people.<sup>12</sup>

---

8 Marable, 115-120.

9 Ellsworth, 38-44.

10 Franklin, 344-351.

11 Ellsworth, 48

12 *Ibid.*, 51.

Seventy-five African-American men later returned to the courthouse to again offer their services and were once more turned away. In the process of leaving, a gun went off when a member of the mob attempted to disarm an African-American veteran of his pistol. The shot itself did not result in any injury or loss of life, but it was the spark that resulted in the exchange of gunfire. After the fight moved from the courthouse, the police deputized many Whites that had been at the courthouse and distributed weapons to the newly inducted officers.

When the armed white men attempted to enter the Greenwood section of Tulsa, they were met with gunfire. By 1:00 A.M. on June 1, the first fire was started. The angry white mob, however, prevented the Fire Department from attending to the fire. Since the police, sheriff, and the local division of the National Guard did not assist in dispersing the crowd, it forced the Fire Department to leave without attempting to distinguish the flames. Later, the neighborhood was bombed from the air by private planes equipped with dynamite.<sup>13</sup> By 6:30 A.M., abandoned by public safety services, the African-American Tulsans were unable to hold off the crowd any longer, and the Greenwood section was invaded. Houses were looted first and then burned. While some residents managed to flee to safety, other unarmed individuals were shot and killed. By 11:30 A.M. the following morning, martial law was ordered, but by that time the entire Greenwood section was destroyed and thousands of its now-homeless residents had been rounded up and placed into internment camps.<sup>14</sup> The estimated total property loss from the disaster was between \$1.5<sup>15</sup> and \$4 million.<sup>16</sup> Although the deaths were estimated at ten Whites and 26 African Americans by the media, eyewitness survivors reported that hundreds of African-American bodies were hauled away in trucks and placed unidentified into mass graves.<sup>17</sup> The ARC report estimates the number of deaths to be around three-hundred,<sup>18</sup> however other sources estimate the figure is as high as three thousand people.<sup>19</sup>

---

13 *Chicago Defender*, 164. The article reports on the confession of Van B. Hurley, a white Tulsa police officer who had been honorably discharged from the force. He reported that several city officials met in downtown Tulsa and carefully planned an attack on the downtown district by the use of airplanes. He also detailed the conference between local pilots and the city officials. He also implicated other police officials in the aftermath.

14 Ellsworth, 45-74. Abbreviated timeline of events as researched and described by Ellsworth.

15 *Ibid.*, 70.

16 Hower, 165. Property losses estimated by Maurice Willows, the director of the ARC in his official disaster management report. He also indicated that this was a conservative estimate as the lawsuits filed over destruction of property were higher than this figure.

17 Verhovek; *The Economist*.

18 Hower, 164.

19 TopTags B.A.S.



## THE RELIEF EFFORT

### *The American Red Cross*

Local medical response systems could not help the Greenwood district. First, given the segregated medical system, Greenwood would have had to rely on itself, but most of the material resources and much of the human capital within the African community had been either destroyed or severely injured. Moreover, based on the previous night's events, a significant amount of mistrust existed in the neighboring community as well as that of public officials, some of whom were seen as participants in the riots. To make matters worse, African Americans were placed in an internment camp and held under heavy guard. The situation called for a neutral agency to come in to assist with the medical restoration of the Greenwood community.

Already, the local ARC had sprung into action providing food, shelter, and transportation to the survivors they found along the roads of Tulsa. Refugee camps were established at several sites. Churches and public buildings were used for housing. In addition, T.D. Evans, the mayor of Tulsa, formally requested the support of the Red Cross when he wrote the following:

To the Red Cross Society—

Please establish headquarters for all relief work and bring all organizations who can assist you to your aid—The responsibility is placed in your hands entirely.<sup>20</sup>

In 1919, a series of race riots, lockouts, and strikes led the ARC to establish an official policy with regard to their involvement in the aftermath of such disasters. As evidenced by a reminder sent to A.L. Farmer, the chairman of Tulsa chapter of the ARC, the existing policy of the ARC was to exercise impartiality:

The Red Cross must [always maintain] a position of impartiality. Red Cross must also always be open to appeal to meet needs in form of First Aid, medical assistance, nursing assistance, etc., to those injured.... This is the prime service of the Red Cross....<sup>21</sup>

By sending this reminder to Tulsa, the ARC made its role of impartiality clear and set a tone for the actions to follow.

Indeed, the situation resembled that of a war-torn country that had requested humanitarian assistance because the affected individuals were isolated from the surrounding community, the facilities were inadequate, the scene was chaotic, and the working conditions were still volatile and potentially dangerous to the

20 Hower, 10. Original letter from Mayor Evans to the American Red Cross (ARC) placing the entire responsibility for the relief effort into the hands of the ARC.

21 *Ibid.*, 104-105, Letter from the manager of the southwestern district of the ARC reminding him of the current Red Cross Policy with the attached telegram from 1919 from the National Headquarters in Washington, D.C.

ARC's employees.<sup>22</sup> Strangely, though the internment camps clearly defied the rights of the individual and further humiliated the victims of the disaster, the creation of these camps also created an essential neutral space that would allow protection from the surrounding hostile community and inactive law enforcement agencies.

Maurice Willows, the assistant manager of the ARC, was sent to establish a headquarters for the relief mission in Tulsa with the understanding that the Red Cross would finance the relief administration, that the city and county of Tulsa would finance all relief efforts, and that the city officials should relinquish their duties for sixty days while the Citizens' Committee resumed the responsibilities of city hall during this period.<sup>23</sup> Using current ARC disaster functions as a framework,<sup>24</sup> the relief program in Tulsa is outlined below. Fortunately, Willows was careful to enlist the services of stenographers to record the details of the effort as well as to keep detailed record-keeping on his part, including newspaper clippings and evidence of communication that occurred during this time period.<sup>25</sup> Considering the current critical emergency relief measures,<sup>26</sup> it is interesting to note how closely the pattern of relief in Tulsa 81 years ago resembled this list.

### *Management*

Although the first activities of the ARC were to provide direct services to those in need, a key early task was to set up a headquarters in the city. This enabled the ARC to direct the relief process from a central location as the sites of care and housing were scattered throughout the city. The process of setting up an organization with personnel to staff it took several days, however, a system of service delivery with delegation of responsibility and chain of command was instituted from the outset. To facilitate communication to each other as well as to the regional and nation headquarters regarding the relief effort, the ARC had telephones installed in six key locations. The ARC enlisted a purchasing agent to manage all funds obtained from the city, county, and private donations and kept strict records of the \$130,856.36 used in the relief effort.<sup>27</sup>

### *Direct Services*

Willows outlined the following steps in his final report to the national office of the ARC:<sup>28</sup>

1. Immediate surgical and medical intervention for the wounded.
2. Recruitment of all available nurses for hospital and field service.

---

22 Leaning, 82-86.

23 Hower, 110-111.

24 Lee, 51.

25 Hower, 124.

26 Noji and Burkholder, 66.

27 Willows, 157.

28 *Ibid.*, 155-156.

3. Placing of an experienced nurse (state nursing supervisor of the ARC) in charge of nursing supervision.
4. Racially integrated pool of physicians to be called upon for the delivery of direct services, to be supervised by the state director of the ARC. During the first week of the relief period, 162 operations had been performed.
5. Acquisition of typhoid vaccine and serum to administer to the victims.
6. Field survey by public health nurses, who made 4,512 calls during the first two weeks of the disaster. It should be noted that 38 of these calls were regarding maternity care and 359 for infant welfare.<sup>29</sup>
7. Establishment of a first aid station, a dispensary, and an STD clinic.
8. Establishment of a public hospital in the Booker T. Washington School.
9. Evacuation of private hospitals and transfer of all patients to the public hospital.

During the next ten days, the mass relief work was conducted. The refugee camps were equipped with plumbing, refrigeration systems, temporary hospitals, and first aid stations. Nutritional supplementation and housing was also provided to more than four thousand people during the emergency period. The ARC also assisted with transportation for the victims who wanted to leave the area by the purchase of train tickets. Many people took advantage of this option and left to visit relatives who could help them start anew or at least provide temporary safety.

### *Internal Support Service*

#### **Accounting, Damage Assessment, and Building and Repair**

The ARC successfully conducted public health management. Initially, 284 army tents were used to house the refugees, however, over the next few weeks the majority of those tents were equipped with floors, sides of lumber, wire screening, and screen doors. Sanitation remained an ongoing problem during this relief effort because of the problems with reconstruction by the city and county. Using disinfectants and the liberal administration of typhoid serum enabled an epidemic to be avoided.<sup>30</sup> In fact, as testament to the ARC's commitment to public health, the hospital left by the ARC to the Greenwood community was named in honor of Director Willows.

In contrast to the impartiality of the ARC, various measures were used to prevent the rebuilding of the Greenwood section. Most significantly, the city refused outside funding support, disbanded the Welfare Board (a key fund raiser in this effort), rezoned the fire-torn district, limited the types of houses which could be built on the property, and finally used inflammatory media to dissolve any sense of public support from the white community toward this effort.<sup>31</sup>

---

<sup>29</sup> *Ibid.*, 174-175.

<sup>30</sup> *Ibid.*, 174-175.

<sup>31</sup> Parrish, 58. *Tulsa Tribune*, 7 June 1921.

Although the ARC did not see the rebuilding of the Greenwood district as a part of its mission in Tulsa, upon realizing the intentional destruction of Greenwood, Willows' final report included official recommendations as to how the city might fairly handle the property rights of the Greenwood residents with regard to the transfer of property and specifically suggested that the new residential area also contain adequate sewers, water, and lighting as a part of the rebuilding effort.<sup>32</sup> These recommendations went unanswered, and many Greenwood residents spent the winter in tents and shacks built during the summer months for temporary relief.<sup>33</sup>

### Communications

Methods of communication such as telephone lines were established early in the process of administrative development. In addition, communication with the regional and national offices for feedback and advice and with local agencies involved in the relief effort was ongoing during the management of the disaster. The final report was sent in triplicate to all levels involved in the process.

The ARC was also able to enlist tremendous resources in the form of human capital. The local chapter of the ARC was involved in the relief process prior to their official involvement and continued to play a major role in the process. Other organizations such as the YMCA, the Boy Scouts, the East End Relief Committee, the National Association for the Advancement of Colored People, as well as lay volunteers were utilized in the process of relief.<sup>34</sup>

### Local Government and Law Enforcement

In contrast to the reactions of the ARC, local government and law enforcement's clear pattern of racial discrimination and chaotic management exacerbated the aftermath of the Greenwood disaster. Local government and law enforcement failed Greenwood residents with regard to relief services, justice, and economic security. First, law enforcement and the judicial system allowed a precedent of lynching to be institutionalized as a part of Tulsan culture. This sense of entitlement on the part of the white citizens resulted in collective vigilante behavior when this presumed superiority was threatened at the courthouse.<sup>35</sup> Law enforcement failed to protect the life and well-being of the residents of the Greenwood district. Furthermore, by deputizing many of the men assembled outside of the courthouse, they provided a shield for the looting, murder, and arson that ravaged the district that evening.

---

32 Hower, 181-182.

33 Ellsworth, 90-94.

34 Hower, 189, 194,

35 For more on collective behavior, see Weller and Quarantelli, 665-685.

36 Notice from the police commissioner, printed in *Tulsa Tribune*, June 7, 1921, as reproduced in Hower, 66.

During the period of relief after the Greenwood disaster, the police commissioner established a system using green "Red Cross protection" cards to identify the refugees following the establishment of martial law. This was to identify the "good Negroes" to the Tulsa population at large and required that all African-American citizens have one or be arrested. These cards also required that a person have ongoing employment by white citizens or be acknowledged by the ARC team. Unfortunately, many members of the Greenwood community were self-employed or worked for others in the Greenwood district prior to the disaster and so the use of these cards only served to humiliate them during the process of relief.<sup>36</sup>

Following the incident, blame was placed on the citizens of Greenwood, particularly those who were involved in mobilizing the men of Greenwood in preparation for the defense of the district upon the arrival of the mob.<sup>37</sup> Insurance companies also refused to pay out fire insurance policies, citing a riot clause, and suits for damages were not responded to in a timely fashion.<sup>38</sup>

One of the 12 Greenwood residents accused of inciting the riot, J.B. Stradford, jumped bail and left Tulsa, abandoning his wealth and status. He was cleared posthumously several years ago, but his family reports that he spent the remainder of his life depressed about the losses he incurred in both material goods and his reputation.<sup>39</sup> Several cases against white rioters were raised, however none served jail time for the murders, arson, or looting which occurred. The police chief and several officers were dismissed for their involvement in the affair. The chief also later provided the confession mentioned earlier in this report describing the plan of city planners and businessmen to destroy the Greenwood district.

### **The National Guard**

The primary stated role of the National Guard was to restore order and effectively assist police in disarming and moving all the Greenwood residents into internment camps, yet reports from survivors indicate that their role was not impartial. Instead, the imposition of martial law simply meant that the Greenwood residents were under surveillance. In fact, prior to their departure on June 2, the National Guard general ordered all non-injured African-American victims to work for the relief effort.<sup>40</sup>

### **Fire Department**

Tulsa's Fire Department also did not help Greenwood's residents, as mentioned previously. The Fire Department was alerted to the development of fire in the Greenwood section of Tulsa shortly after the first fire started, but when they

---

37 Parrish, 30.

38 Hower, 184.

39 *The New York Times*.

40 Hower, 130.

arrived, members of the mob prevented them from doing their job and eventually forced them to leave the district.<sup>41</sup> Again, Sheriff McCullough failed to disperse the crowd, and the Fire Department left while the fire continued to ravage the Greenwood district. Although the fear of potential violence directed toward them was real, the Fire Department was clearly negligent in their duties with regard to the abandonment and neglect of such a large-scale fire and the lives that it destroyed. Their early intervention could have prevented the significant loss of life and property faced by the Greenwood residents.

The use of planes to add fuel to the fire further exacerbated the situation, and yet the response by the Fire Department continued to be silence and inactivity. Following the fire, there does not appear to have been a thorough investigation by the fire marshal documenting the source of the fire, additional elements that may have exacerbated the fire (such as bombing from above), documentation of the threats of violence against the Fire Department, or a cooperative effort with law enforcement to bring those responsible to the forefront.

### **The Media**

The media's role in disasters is to provide the truth in a timely fashion. The role played by *Tulsa Tribune* in inciting the lynch mob to gather outside of the courthouse and in the aftermath of the disaster was devastating to the Greenwood community. In some respects the paper may have served two of the roles anticipated of the media—conveying warnings and providing instructions to target audiences. Unfortunately the warnings and information were biased and designed to create chaos, rather than the expected roles of reassuring the public, defusing inaccurate rumors, assisting in the response effort, providing accurate up-to-date information to the public, and soliciting help from areas outside of the affected community.<sup>42</sup>

The media also contributed to the psychological devastation and degradation of the Greenwood residents. The *Tulsa Tribune*, the main source of local information after the Greenwood district papers were destroyed, continued to berate and blame the citizens of Greenwood for the loss they faced. The white citizens of Tulsa were not publicly examined for their role, and in most circles this would be considered blaming the victim. This reflects the observation that white-controlled and -dominated press simply reflected the interests of the prevailing majority rather than embracing the type of neutrality that is required by true journalism.<sup>43</sup>

### **IMPORTANT SHORTCOMINGS**

Although case workers were assigned to the families to assist with the significant social devastation faced by the Greenwood residents who were now referred to as

---

41 Ellsworth, 55.

42 Churchill, 126-127.

43 For examples of misreporting, see Knopf, 303-327.

refugees, there is no evidence that relief effort addressed the significant psychological loss faced by the victims. Mental health disaster management was not a highly researched field at this point in history, and members of the Greenwood community may not have accepted the use of psychoanalytic methods. The nature, however, of this particular exposure as one of victimization suggests that more psychological symptoms were likely to be present than if this had been a natural disaster. When the feelings of loss were combined with the anger and hostility around the loss<sup>44</sup> (as evidenced by the prolonged period of litigation), the blaming of the victimized community (Greenwood) for the disaster, the lack of support from the rest of the Tulsa community, and the resistance to physically rebuilding the community prevented many members of the Greenwood community from moving on with their lives. Additional evidence of potentially psychologically harmful treatment includes the way that members of the victimized community were ordered by the National Guard to serve as workers for the relief effort. Within 24 hours of the event, these victims were made responsible for all the cooking, cleaning, and repairs needed as a part of the relief effort while the surrounding community was only responsible for financially backing the relief effort.<sup>45</sup> Giving surviving victims something to do may have been a useful part of recovery; however, the way in which it was done may have been further distressing.

Finally, a significant part of psychological recovery is the proper management of dead bodies related to the survivors. Unfortunately, the management of death is not clearly outlined in the disaster report as the bodies were quickly buried and records were not kept. There are no official reports of memorials or funerals to acknowledge the lives of those lost in the disaster.

There is evidence that the Greenwood residents who chose to remain and rebuild in the aftermath attempted to recreate a semblance of community and family through various internal methods. For example, there was a substantial increase in the rates of marriage among refugees during the recovery process.<sup>46</sup> The pastors of local churches also remained active as advocates of the Greenwood residents and organized supportive services for what remained of their congregations.

Fund raising was not seen as a part of the ARC's role in this circumstance or in the agreement of the city and county to back the entire relief effort. It is unfortunate that during the ARC's seven-month stay, this function was not added to the list of activities. It is clear from Willows' writings and the newspaper documentation that the rebuilding promise made by the local government was not going to come to fruition and despite the success of the initial relief effort, the winter of 1921 was insufferable to the many Greenwood residents who resided in tents. It should be noted that some of the white citizens in Tulsa contributed financially to

---

44 Flynn, 97-123.

45 "Field Order#4 from the Headquarters of the Oklahoma National Guard, Tulsa Oklahoma, June 2, 1921 from Brig. General CF Barrett" as reproduced in Hower, 130.

46 *Tulsa Tribune*, 6 June 1921.

the relief effort and lent money to their employees to help rebuild their homes. Those white citizens who owned land in the Greenwood district also rebuilt their properties so that they could continue to collect rent from Greenwood tenants.<sup>47</sup>

### CONCLUSION

Although the Tulsa disaster is usually described as a race riot, research on the events of May 30-June 1 reflect something between a civil battle and a massacre. It is difficult to define because there was definitely an effort on the part of the Greenwood residents to defend themselves. The inactivity of local law enforcement and other public servants, however, clearly puts the Greenwood community at a significant disadvantage with regard to prevention and intervention during the conflict.

Tulsa had enormous resources including a local law enforcement and judicial system; a Fire Department; local National Guard; access to various modes of transportation including automobiles, trains, and airplanes; physicians and hospitals; and multiple technologies for communication such as the telegraph and telephone. Coordinated and impartial use of these public services could have prevented the loss of still-undetermined numbers of lives and of millions of dollars in property.

The ARC's humanitarian relief effort and coordination of services during the seven months following the Tulsa disaster stand in stark contrast to Tulsa's management of the humanitarian disaster. Correctly, the ARC has been described as heroic and can serve as an early public health model for providing humanitarian aid in the middle of a difficult and volatile situation. The work by the ARC, however, represents the aftermath of an incident that required intervention sooner. The careful record-keeping and documentation of the events surrounding the disaster, including a personal journal by Maurice Willows, have afforded a tremendous learning opportunity.

The information of the Tulsa disaster has been buried for many decades following the incident, and portions of the information, such as the newspaper clippings in library archives, have been destroyed.<sup>48</sup> Over many years, the stories and personal archives of survivors have been collected and a commission established to unearth and investigate the events, aftermath, and the actions of the individuals and government officials involved. The recovery process for the Greenwood community has been prolonged by premature burial of the event, and it is only now that the survivors and their descendants are attempting to obtain closure for the losses that were incurred by their relatives.

The Tulsa case, however, was just one of a series of similar disputes and reactions that occurred around issues of race in the last century. The widening gap in

---

47 *Ibid.*, 91.

48 Ellsworth, 47.



economic disparities and diversification of the U.S. population today may unfortunately lead to similar conflicts in the future. The signals of internal conflict abound as exemplified by concerns about the resurgence of hate groups<sup>49</sup> and the "lynchings" of James Byrd<sup>50</sup> and Matthew Shepard in recent years.<sup>51</sup> Public health professionals and other public servants may need to again step outside the boundaries of discriminatory social norms to provide the services required for prevention and relief in such an event. This possibility requires that we continue to study the Tulsa disaster as a template to refine existing protocols for coordinated delivery of services using every individual and resource available.

## REFERENCES

- American Public Health Association. "Hate Crimes Today: An Age Old Foe in Modern Dress." Position Paper. <http://www.apa.org/pub/info/hate/>. Retrieved on 19 March 2001.
- Berea College. <http://www.berea.edu/ENG/chestnutt/lynching.html>. Retrieved on 18 March 2001.
- Chase, Henry. "Sooner or Later: Touring Black Oklahoma." *American Visions* 12 (December 1997-January 1998): 50.
- Clark, Tony. "Democrats Turn Harsh Eye on Bush Record in Texas." CNN. 16 October 2000. Retrieved from <http://www.cnn.com/2000/ALLPOLITICS/stories/10/16/bush.record/index.html> on 17 March 2002.
- Chicago Defender*. "Ex-Police Bare Plot of Tulsans: Officer of the Law Tells Who Ordered Aeroplanes to Destroy Homes." 14 October 1921. In *1921 Race Riot: Angels of Mercy*. Edited by R. Hower. (Tulsa, Okla.: Homestead Press, 1993), 44.
- Churchill, Robert E. "Effective Media Relations." In *The Public Health Consequences of Disasters*. Edited by E.K. Noji. (New York: Oxford University Press, 1997), 126:127.
- The Economist*. "The Riot That Never Was." 22 April 1999. <http://www.economist.com>. Retrieved on 17 March 2002.
- Ellsworth, Scott. *Death in a Promised Land: The Tulsa Race Riot of 1921*. Baton Rouge: Louisiana State University Press, 1982.
- Flynn, B.W. "Disaster Mental Health: The U.S. Experience and Beyond." In *Humanitarian Crises: The Medical and Public Health Response*. Edited by J. Leaning, S.M. Briggs, and L.C. Chen. (Cambridge, Mass.: Harvard University Press, 1999), 97:123.
- Franklin, John Hope. *From Slavery to Freedom*. Boston: McGraw-Hill, 1980.
- Greenwood Chamber of Commerce. "Official Web Site—Tulsa History." <http://www.greenwoodchamber.org/tulsa.htm>. Retrieved on 17 March 2002.
- Hower, Rob. *1921 Race Riot: Angels of Mercy*. Tulsa, Okla.: Homestead Press, 1993.
- Knopf, Terry Ann. "Race, Riots, and Reporting." *Journal of Black Studies* 4 (1974), 303:327.

---

49 American Psychological Association.

50 Clark.

51 Shewey.

- Leaning, Jennifer. "Emergency Care." In *Humanitarian Crises: The Medical and Public Health Response*. Edited by J. Leaning, S.M. Briggs, and L.C. Chen. (Cambridge, Mass.: Harvard University Press, 1999), 82:86.
- Lee, Judith. "Coordination of Health Relief: The Experience of the American Red Cross." In *Humanitarian Crises: The Medical and Public Health Response*. Edited by J. Leaning, S.M. Briggs, and L.C. Chen. (Harvard University Press, 1999), 247:248.
- Marable, Manning. *How Capitalism Underdeveloped Black America*. Boston, Mass.: South End Press, 1983.
- New York Times*. "Oklahoma Clears Black in Deadly Race Riot." 25 October 1996.
- Noji, Erik K., and Brent T. Burkholder. "Public Health Interventions." In *Humanitarian Crises: The Medical and Public Health Response*. Edited by J. Leaning, S.M. Briggs, and L.C. Chen. (Cambridge, Mass.: Harvard University Press, 1999), 66.
- Parrish, Mary E. Jones. *Race Riot 1921: The Events of the Tulsa Disaster*. Tulsa, Okla.: Out on a Limb Publishing, 1998.
- Shewey, Don. "Learning from Laramie." *The Advocate* (April 2000).
- TopTags B.A.S. "Tulsa Oklahoma Race Riot-1921." In *Afro-American Almanac* (1996). [www.toptags.com/aama/events/okriot.htm](http://www.toptags.com/aama/events/okriot.htm). Retrieved on 17 March 2002.
- Tulsa Tribune*. "Blacks Flock to Marriage Bureau, Make New Record." 6 June 1921. In *1921 Race Riot: Angels of Mercy*. Edited by R. Hower. (Tulsa, Okla.: Homestead Press, 1993), 61.
- Tulsa Tribune*. Editorial. 3 June 1921. In *1921 Race Riot: Angels of Mercy*. Edited by R. Hower. (Tulsa, Okla.: Homestead Press, 1993).
- Tulsa Tribune*. "Negro Section Abolished by City Order: Devastated Area Put in Fire Zone." 7 June 1921.
- Verhovek, S.H. "75 Years Later Tulsa Confronts its Race Riot." *New York Times* (31 May 1996).
- Weller, J.M. and E.L. Quarantelli, E.L. "Neglected Characteristics of Collective Behavior." *American Journal of Sociology* 79 (1973), 665:685.
- Willows, Maurice. American Red Cross Report. In *1921 Race Riot: Angels of Mercy*. Edited by R. Hower. (Tulsa, Okla.: Homestead Press, 1993).

## “IF I DIE IN HERE, LEAST I’LL BE FREE”: BLACK WOMEN “MULES” AND THE TRANSNATIONAL PRISON INDUSTRIAL COM- PLEX

JULIA SUDBURY\*

---

During a recent visit to a women’s prison in England, a prisoner complained to me about the food. Visualizing the school dinners I had eaten growing up as a black<sup>1</sup> girl in the “land of milk and honey”—tasteless minced beef, reconstituted mashed potato, and overboiled cabbage—I sympathized. Imagine my surprise at lunchtime, then, to see the women lining up to be served juicy fried plantain, rice and peas, and chicken curry. Food, analyzed as one aspect of the expressive cultures of a people, can be read as the site of cultural survivals and genealogies of relocation, of roots and routes.<sup>2</sup> Drawing on recent theorizing, we might use this anecdote to celebrate the de-centering of hegemonic notions of English nationhood by the diasporic play of globalized cultures.<sup>3</sup> But to undertake such a reading is to miss the significance of the specific location of this narrative. For imbricate in the spicy food served by Jamaican, Nigerian, and Colombian women in an English prison are transnational corporate penal practices, the global feminization of poverty, and racial economies of incarceration. Why are “Third World” women serving long sentences in English prisons? Why are black women working in the kitchens and not in other prison industries or educational programs? What are the connections between neocolonial socioeconomic formations in the Caribbean and Jamaican “mules”? How has U.S. imperialism and economic intervention in the Caribbean generated traveling tales that in turn end in a small cell far from home? Home, travel, multiple border crossings, and transnational networks of kin and community—terms that describe the experiences of black British and foreign national women in English prisons—are all part of the vocabulary of recent diaspora theory. Yet, as I will demonstrate, this emerging field has important silences that become visible

---

\* Julia Sudbury is Associate Professor of Ethnic Studies at Mills College, Oakland, and author of *Other Kinds of Dreams: Black Women’s Organisations and the Politics of Transformation* (Routledge, 1998). She is also a national organizing committee member of *Critical Resistance*, a campaign to defeat the prison industrial complex.

1 The term “black British” denotes the specific British usage of the term “black” as a multiracial political/ cultural formation including African, Asian, and Caribbean communities. For the genealogy of and contestation over this term, see Mercer; and Sudbury, “En-gendering Anti-racism: Towards a Politics of Social Transformation.” The women interviewed for this article, and the majority of women of color in English prisons, are of African descent.

2 Gilroy, *The Black Atlantic: Modernity and Double Consciousness*.

3 Mercer.

when we juxtapose it with the narratives of black women trapped in the transnational prison industrial complex.

The “mules” in the title of this article offer multiple readings. Zora Neale Hurston called black women “de mule uh de world” for their backbreaking and joyless labor in service of both white and black men.<sup>4</sup> The mule is also the offspring of a donkey and a horse, a zoological crossbreed. A term coined in the 19th century by European and American eugenicists eager to prevent the inter-breeding of what they felt were biologically distinct races, the “mule” or mulatto signified an unholy mixture—contaminated, promiscuous, and impure.<sup>5</sup> Rescued in the 1980s, the idea of mules, mongrels, and other hybrids have taken on symbolic resonance and become the site of celebration, excitement, and contestation, perhaps best exemplified by a text which inspired book-burning in British Muslim communities:

The Satanic Verses celebrates hybridity, impurity, intermingling, the transformation that comes of new and unexpected combinations of human beings, cultures, ideas, politics, movies, songs. It rejoices in mongrelization and fears the absolutism of the Pure.... It is a love song to our mongrel selves.<sup>6</sup>

Mestizaje, bricolage, creolization, and hybridity are terms utilized to map processes of dislocation and relocation in postmodernism: the reshaping of language, aesthetics, popular culture, and identities that occur as diasporic populations collide with those constructed as “native.”<sup>7</sup> As a postmodern hybrid, the mule reflects a site of freedom and possibility, of innovation, newness, and transgression. Its third and final meaning is also suggestive of the act of border crossing. As couriers who are paid a tiny proportion of the profits involved in drug-trafficking, “mules” are usually women of color, pushed by poverty and desperation into the front line of the U.S.-led “war on drugs.”<sup>8</sup> Becoming a mule is an act of agency-given choices that are severely circumscribed by intersections of race, class, gender, and global capital. The price of such a transgression is often immense and can include more than a decade of incarceration, deportation, and loss of freedom, children, home, and employment. The incarceration of women on drug offenses has led to massive increases in the female prison populations of Western nations, doubling in five years in England, and tripling in a decade in the United States.<sup>9</sup> This article brings different definitions of the “mule”—as exploited black woman, as postmodern border-crosser, and as drug-courier—face to face in

---

4 Hurston, 16

5 Kapchan and Strong.

6 Rushdie, 394.

7 For a discussion of Eurocentrism in postmodernism and preference for diaspora, see Mercer, 246.

8 Deputy High Commissioner Phil Sinkinson states that Jamaican mules “come from areas of pretty desperate poverty” and are driven by economic necessity. See BBC.

9 Carlen; Richie, 13.

an attempt to interrogate recent theorizations clustered around the concept "diaspora." In the first section, I examine diaspora as a theoretical concept and empirical field of study. I explore two feminist "diaspora projects" as a useful analytical framework. In the second half of the paper, I introduce the narratives of black British and foreign national women incarcerated in English prisons on charges of possession with intent and importation. By exploring their experiences of home, kin networks, and community-building, I juxtapose the lived experience of border crossing, migration, and transgression demonstrated in these women's narratives with the framework of the diaspora projects to explain these very experiences. I conclude by discussing the implications for current theorizing of the global prison industry and its increasing hunger for the bodies of black and Third World women.

### THEORIZING DIASPORA

Diaspora is in vogue. In a survey of books published since 1975, Phil Cohen found 216 with the term in the title, 72 percent of which had been published since 1990.<sup>10</sup> While the predominant categories were the Jewish and African Diasporas, Cohen also found the term used to describe 24 different, sometimes overlapping ethnic and religious communities, including South Asian, Indian, Tamil, Sikh, Muslim, Chinese, Korean, Ukrainian, Lithuanian, Irish, and British. When one adds Web sites, articles, and journals that emerged in the late 1980s organized around the diaspora concept (such as *Third Text* in the United Kingdom and *Diaspora* in the United States), there has been a flood of scholarly and cultural production on diaspora issues. As a theoretical framework, diaspora represents a new way of envisioning identities, communities, and cultures forged in an era of global border crossings. At a time when new technologies and forms of communication have shrunk the globe, making it possible for the formation and maintenance of "imagined communities" not bounded by geography, diaspora theory offers a unique combination of local and global. It is a thread that connects scattered migrant populations. Yet it displaces the unidirectional movement implied in theories of migration, from home to host country, by mapping multiple relocations and invoking the possibility of return. In this sense, the concept of diaspora joins a number of other terms which seek to do similar work of locating individual and collective subjectivities in the context of the globalization of capital, culture, and communication and the corresponding displacement of accepted "truths" based on the nation and/or empire. Post-colonialism, transnationality, and postmodernism all emerge out of this concern.<sup>11</sup>

Much recent work has focused on defining which histories of migration and settlement can be said to constitute authentic diaspora.<sup>12</sup> Two examples will serve

---

10 Cohen, Robin, 4.

11 For an insightful discussion of the terms "postcolonial" and "transnational," see Grewal.

12 Clifford.

to elucidate this tendency. William Safran identifies six characteristics that can be used to identify a “model” diaspora. These include: 1) dispersal from an original center to at least two peripheral locations, 2) a myth of an original homeland; 3) a belief that the group is not fully accepted in the place of settlement; 4) a desire for an eventual return to the original homeland; 5) commitment to restoring this homeland; and 6) the definition of the group’s consciousness in ongoing relation to this homeland.<sup>13</sup> For Safran, the “ideal type” is the Jewish Diaspora, and other dispersed groups can be evaluated against the yardstick set by this experience. Robin Cohen’s panoramic survey of global population dispersals utilizes a nine-point model as the basis for defining diasporas.<sup>14</sup> In addition to Safran’s focus on dispersal, hostile reception in the host country, and a belief in, idealization of, and desire to return to an original homeland, Cohen identifies a collective trauma, a rich creative cultural life, and a sense of solidarity with “co-ethnics” as factors in diaspora formation. Cohen also gives his nine-point definition some flexibility by arguing that diasporas may exhibit some, but not all of these characteristics. The typology approach to diaspora studies has a number of problems. Firstly, the insistence on locating the Jewish experience as an “ideal type” lends itself to a vacuous competition in which other diasporas are always found lacking. Secondly, this conceptualization imagines diasporas as unitary, bonded groupings which are differentiated from each other in concrete and impermeable ways. What it does not allow for is the acknowledgement of internal differentiation within diasporas along lines of gender, sexuality, class, or political affiliation.<sup>15</sup> Equally, the ways in which these differences may cut across diasporas—creating solidarities, for example, between women of African, Caribbean, and South Asian origins in Britain—are erased as our attention is focused on essential differences between diasporas.<sup>16</sup> Finally, these approaches can be defined as empiricist in that they assume the pre-existence of diasporas “out there” waiting to be discovered. In this sense, they mask the complex processes of formation and construction that lie at the heart of diasporic identifications. An empiricist definition of diaspora, for example, has little to say about the ways in which African-German women in the 1980s came to identify as part of an African diaspora through the work of Audre Lorde in Germany.<sup>17</sup> It ignores such processes of “becoming” a diaspora, of adopting a diaspora consciousness, and fails to address the gendered solidarities evoked in such a move.

A more fruitful way of examining the recent explosion in diaspora theory is to view diaspora as a trope deployed by scholars, cultural workers, activists, and

---

13 Safran, 83-4.

14 Cohen, Robin, 180.

15 Anthias, 564.

16 Sudbury, *Other Kinds of Dreams: Black Women’s Organisations and the Politics of Transformation*.

17 Opitz, Oguntoya, and Schultz.

community members to provide a coherent organizing framework for diverse and fragmented experiences. This approach conceives of diaspora as a vital process of becoming, rather than a static and reified empirical reality existing outside of discourse and human agency. Avtar Brah asserts that diaspora is "an interpretive frame referencing the economic, political and cultural dimensions of... contemporary forms of migrancy"<sup>18</sup> and reminds us to distinguish between diaspora as a theoretical construct, a discourse, and a historical experience.<sup>19</sup> This is useful, however, I would take her conceptualization a step further and suggest that while distinct historical experiences of migration can be said to exist empirically, to define these as diasporas—with the term's implications of dispersal, homing, and transnational community—is always a theoretical and political act, whether so defined by the actor or not. Diasporic subjectivity is as much an act of memory, imagination, and invention as it is a type of experience. In this sense, I am introducing the notion of the diaspora project to push us to make explicit the agency involved in defining certain communities as diaspora.<sup>20</sup> Diaspora projects are constituted wherever the trope of diaspora, or its sub-tropes of home, dispersal, and transnational community, are used in the service of a historically specific political goal. And here I am using "political" in a broad sense to include maneuvers over representation, culture, and identity as well as the more traditional struggles over material resources and electoral processes. Since describing a group as a diaspora requires the invocation of specific associations of home, relocation, and transnational solidarity, such discursive moves will inevitably lead us to actors in specific historical moments and particular geographic locations, marked by gender, sexuality, class, and citizenship. In the next section, I explore three diaspora projects that have emerged out of liberatory political and cultural movements and identify a number of theoretical tools offered by these projects that may assist our understanding of the experiences of black women in prison.

#### ENGENDERING DIASPORA SPACE

The work of the black British school of cultural studies can be considered one such diaspora project and an important impetus behind the recent renaissance in diaspora theory.<sup>21</sup> Emerging out of a specific moment in Thatcherite Britain, this project is defined against the backdrop of a "New Left," multiracial, anti-racist movement undermined from the outside by neo-conservative nationalism and weakened from within by the assertion of a multitude of religious and ethnic iden-

---

18 Brah, *Cartographies of Diaspora: Contesting Identities*, 186.

19 *Ibid.*, 179.

20 I am indebted to Michael Omi and Howard Winant for their concept "racial project," which, while serving a different purpose than diaspora project, is the inspiration for my term. See Omi and Winant.

21 Gilroy, *The Black Atlantic: Modernity and Double Consciousness*; Mercer; Hall, "New Ethnicities"; Hall, "What Is This 'Black' in Black Popular Culture?"; Hesse.

tities.<sup>22</sup> Asserting a hybridized diasporic agenda was therefore a response to the mobilization of rigid and essentialist forms of identification including English nationalism, religious fundamentalism, Afrocentrism, and other forms of “ethnic absolutism.”<sup>23</sup> Diaspora is therefore seen as a concept that liberates black subjectivity from rigid and quasi-biological notions of racial or ethnic identity. This re-mapping of the black experience in Britain, involving a “process of unsettling, recombination, hybridization, and ‘cut-and-mix’—in short, the process of cultural ‘diaspora-ization’” is part of “new politics of representation” in which essentialist notions of blackness are to be replaced by “new ethnicities,” which are shifting, multiple, and often hyphenated.<sup>24</sup> A key problem with many diaspora projects is the tendency to view women as the subjects of masculine diasporic desires and symbols of national identity rather than authors of imagined communities. While Hall, Gilroy, et al, draw our attention to the articulation of race and gender in producing diasporic subjectivity, they continue to place male narratives of home, travel, and lineage at the center.<sup>25</sup> For example, Gilroy’s “Black Atlantic” privileges male figures from the African-American canon—W.E.B. Du Bois, Frederick Douglass, and Richard Wright—and simultaneously erases the trans-Atlantic interventions of women such as Ida B. Wells, Claudia Jones, and Josephine Baker. This scholarly marginalization of women’s agency is reflected in popular diaspora projects that invoke the patriarchal pantheon of “Martin, Malcolm, Mandela, and Me!”

Two alternatives to the masculinist diaspora projects grow out of the theoretical contributions of Avtar Brah and Magdalene Ang-Lygate and have more relevance for my examination of incarcerated black British and foreign national women. By focusing on the intellectual contributions of two British diasporic women, who are not of African descent yet build on the theorizing of scholars such as Stuart Hall and Paul Gilroy, I seek to illuminate the cross-fertilization of intellectual traditions between diverse diasporas. Avtar Brah’s intervention is shaped both by her biography as an Ugandan South Asian turned stateless refugee and by her involvement in U.S. and British black, feminist, anti-racist, and socialist movements.<sup>26</sup> Brah’s work is constituted by a rigorous interrogation of difference and by an awareness of the need to place the politics of intersectionality in the foreground and to explore the ways in which race, class, gender, and sexuality influence one another. Drawing on Gloria Anzaldúa,<sup>27</sup> Brah reconceptualizes England and other diasporic locations as sites forged by a multitude of border

---

22 Mercer, 2.

23 Gilroy, *There Ain't No Black in the Union Jack: The Cultural Politics of Race and Nation*; Gilroy, “Nationalism, History and Ethnic Absolutism.”

24 Hall, “New Ethnicities,” 447.

25 Anthias, 570; Clifford, 313.

26 Brah, *Cartographies of Diaspora: Contesting Identities*, 3.

27 Anzaldúa.



crossings—territorial, political, economic, cultural, and psychological. Brah argues that these border crossings “do not occur only across the dominant/dominated dichotomy, but that equally, there is traffic within cultural formations of the subordinated groups, and that these journeys are not always mediated through the dominant culture(s).”<sup>28</sup> Rather than conceiving of diasporas as bounded and separate genealogies of displacement, she explores the ways in which African, Caribbean, and Asian women have interacted with each other, forging new political possibilities.<sup>29</sup>

Brah coins the term “diaspora space” to describe the site of this interaction, where diaspora, border, and the politics of dis/location intersect:

It marks the intersectionality of contemporary conditions of transmigration of people, capital, commodities and culture. It addresses the realm where economic, cultural and political effects of crossing/transgressing different “borders” are experienced; where contemporary forms of transcultural identities are constituted; and where belonging and otherness is appropriated and contested.<sup>30</sup>

Diaspora space reminds us that not only are those in movement affected by the cross-fertilization of cultural and political practices, but those who stay are also impacted: “My point is that *diaspora space*, as distinct from diaspora, foregrounds what I have called ‘*the entanglement of the genealogies of dispersal*’ with those of ‘*staying put*.’”<sup>31</sup> It is also useful because it insists on the power relations enacted in everyday lived experience between diasporas and “native” populations, between different diasporas, and between subgroups within diasporas, along lines of gender, class, and sexuality.<sup>32</sup> Brah emphasizes the ways in which women have become emblematic figures of contemporary regimes of accumulation. Her narrative is peopled by women as undocumented immigrants, as workers in multinational corporations, as asylum seekers, and as activists, overshadowed by national governments and transnational institutions. She therefore reminds us to ground our discussions of diasporic subjectivity in the material realities of the gendered politics of border crossing.

Magdalene Ang-Lygate’s work is an attempt to shift contemporary black British feminist discourse to a more inclusive political position. As such, it locates women who have been marginalized within black British feminism as the speaking subjects of diasporic practices. Ang-Lygate’s concern is with the women made invisible in the practices of black feminism that Brah celebrates. Her concern is that the “daily realities of ongoing global migration and resulting transnational

---

28 Brah, *Cartographies of Diaspora: Contesting Identities*, 209. (Original italics.)

29 *Ibid.*, 106.

30 *Ibid.*, 242.

31 *Ibid.*, 242. (Original italics.)

32 *Ibid.*, 242.

diasporic experiences are often neglected and insufficiently accounted for.”<sup>33</sup> Since blackness, used as a multiracial political signifier within the British context, points to South Asian and African-Caribbean communities, other women, including Chinese women and Filipinas, tend to disappear. By narrating the transnational diasporic experiences of herself as a Malaysian Chinese woman and of Chinese women and Filipinas in Scotland, Ang-Lygate aims to create a language that can begin to include hitherto erased experiences. She therefore deploys diaspora as a trope that invokes individual and collective identities constituted in other spaces and marked by an “inappropriate Otherness.” Chinese and Filipina immigrants and their daughters often live in Scottish communities hidden behind names like Anne MacDonald and Julie MacNabb. The postcolonial hybrid influences of culture, language, and politics that shape their subjectivities are made invisible both by their location outside black urban politics and by the act of passing into white families and social networks. Searching for the “spaces of (un)location” in which Chinese and Filipina women live, Ang-Lygate explores “uncharted territories where the shifting and contextual meanings of diaspora reside—caught somewhere between, and inclusive of, the more familiar experiences of (re)location and (dis)location.”<sup>34</sup>

Insisting on deconstructing black identity and on making visible those excluded by extant definitions of blackness, she calls for the recognition of multiple experiences of diaspora in its place. In developing an ethnography of Chinese and Filipina women’s diasporic journeys, Ang-Lygate points to new places of marginalization created by dominant diasporic political subjectivities. She thus points to the strategic deployment of women’s narratives as antidotes to hegemonic discourses which “fix” diasporic women in predetermined social identities.

Feminist diaspora projects such as those developed by Brah and Ang-Lygate point to the ways in which diaspora might be a useful concept in mapping women’s traveling tales.<sup>35</sup> These theories draw our attention to the complex intersections of race, class, gender, and sexuality that crosscut diasporic communities, to the presence of anti-essentialist border-crossing solidarities, and to the importance of women’s narratives as a counter to the silencing of women in both (neo)colonialism and its counterdiscourses. As such, they map a feminist agenda for the deployment of diaspora that moves beyond masculine imaginings of home, identity, and transnationality. In the second part of this paper, I deploy these feminist diaspora projects to frame the life stories of five black women prisoners. Firstly, I utilize Brah’s nuanced discussion of intersectionality to re-vision migration, home, and kinship—tropes central to the concept of diaspora—through a gendered lens. How do black women migrants, their children, and grandchildren

---

33 Ang-Lygate, 169.

34 *Ibid.*, 170.

35 For additional feminist diaspora projects see Boyce Davies; Steady; Terborg-Penn; and Dhaliwal.

experience border-crossing? How might gendered violence shape that experience? What are the emotive bonds that transcend geographical borders and what is the impact on families as these bonds begin to fragment? Secondly, I draw on Ang-Lygate's attention to diasporic margins and Brah's discussion of diaspora space to suggest ways in which African diasporic solidarity may exist alongside other forms of political collectivity, creating a hybrid and complex political space within the prison walls. What occurs at the margins of African diasporic collectivities, who is excluded by such designations, and what new collective identities might be formed in the spaces that exist on the interstices of diasporic identities? These theoretical interrogations provide a critical framework for my discussion of black women "mules" in English prisons, a discussion that in turn may suggest new directions for diaspora theory.

#### **IN THE TRANSNATIONAL PRISON INDUSTRIAL COMPLEX: FIVE WOMEN'S NARRATIVES**

English prisons are a core component in what has emerged as a transnational prison industrial complex, a term which describes the symbiotic relationship between corporations, politicians, the media, and state correctional institutions that infuses a profit motive into the racialized practice of incarceration.<sup>36</sup> Dramatic increases in the numbers of women and men sentenced to prison time have led to a prison building boom in North America, Europe, and Australasia. These processes are linked by a transnational prison industry. Incarcerated black men and women in prisons in England have become the raw fuel that generates massive profits for U.S.-based corporations like Wackenhut Corrections Corporation of America.<sup>37</sup> While large multinational corporations build and operate prisons, smaller local companies use prison labor to assemble components, sew clothes, and operate switchboards. Women prisoners are paid £7 (US\$12) per week for such work, thus facilitating the superexploitation of black and poor women as the modern "mule uh de world."

Women are held in 15 prisons in England, ten of which are designated for women only. Black women are disproportionately incarcerated compared to their numbers in the general population. In June 1997, 19.6 percent of the female prison population was African-Caribbean, 0.9 percent was South Asian and 4.2 percent was "Chinese and other," while according to the 1991 Census for England and Wales, all women of color made up only 5.32 percent of the female population.<sup>38</sup> Fourteen percent of the female prison population was made of foreign

---

36 Goldberg and Evans; Davis.

37 Sudbury, "Transatlantic Visions: Challenging the Globalization of Mass Incarceration," 133. For example, Corrections Corporation of America, the largest U.S. private prison operator, manages 79 facilities with 68,000 beds in the United States, Puerto Rico, Australia, and Britain. Average operating profits for the company on a privately owned and managed prison are 40 percent (see Prison Reform Trust).

38 Owen.

nationals. Although women make up only 4 percent of the prison population in England, there is a greater racialized discrepancy in incarceration rates for women than for men. In June 1997, the male prison population was 12 percent African-Caribbean, 2.2 percent South Asian, and 1.5 percent "Chinese and other." Seven percent were foreign nationals.<sup>39</sup> Black women serve longer average sentences than white women, 58 percent of sentenced black British women prisoners were serving sentences of more than four years, compared to only 31 percent of white women prisoners.<sup>40</sup> Black women prisoners experience an interlocking and multiple invisibility. As prisoners, denied the civil rights of free association and movement, their communications with the outside world are severely restricted and censored, allowing popular media images to stand in for self-representation.<sup>41</sup> As "criminals," they are seen by diasporic communities to have offended, and as such rarely experience political support from anti-racist movements.<sup>42</sup> As women, they are erased from official and oppositional prison discourses that construct "the prisoner" as male. And as a racialized minority within the women's prison population, they are denied visibility within the essentialized construct "woman offender."<sup>43</sup> The use of women's narratives in this article is a strategy to redress this invisibility by interrupting popular, academic, and official discourses of gender, race, and penalty. By centering women prisoners as travelers, these narratives also de-center the male diasporic subject and relocate black women as the subjects of diasporic border crossings.

The interviews for this research took place during the summer of 1999 in one designated women's prison, HMP Holloway (North London), and in the women's annex of HMP Winchester (Hampshire). HMP Holloway is a local prison, which holds mixed categories of prisoners: women on remand awaiting trial, juvenile offenders, and convicted women designated at different levels of security. Holloway also has a mother and baby unit and a psychiatric wing. As a local prison serving the courts closest to both Gatwick and Heathrow airports, Holloway is the receiving prison for most women arrested at customs for suspected drug importation. HMP Winchester is a local male prison, with women now accommodated in a former juvenile offenders annex. The women's annex is designated "closed training," which is the lowest security level below an open prison. It therefore houses many foreign national prisoners who have been designated as low security

---

39 Home Office, 32.

40 *Ibid.*, 31.

41 Faith, 255-273.

42 Popular movements for the release of political prisoners in the United States and campaigns for South Asian women who have killed their batterers in Britain are exceptions to this general tendency. However, the argument in these campaigns is frequently that these women (and men) have been falsely incarcerated. As such, they do not challenge the logic of incarceration for the majority of women of color who are seen to be paying the price for their crime.

43 Chigwada-Bailey, 21-28; Heaven.

risks by the prison service, but who cannot be moved to an open prison under a policy ostensibly introduced to prevent prisoners absconding abroad.

Like all qualitative research, interviews with women prisoners are fraught with issues of racial, class, and gender inequality. Carrying out interviews in a context in which women have been deprived of their liberty creates an added dimension of ethical complexity. In order to gain access to incarcerated women I had to be seen as non-threatening to the prison authorities. However, since my research is conducted in a womanist emancipatory framework, I was equally concerned not to allow it to be coopted or to collude with the practices and discourses of punishment that I am attempting to write against.

I initially gained access by writing to the prison governors using academic letterhead. After going through the normal security checks, I was allowed in both cases to wander freely within the confines of a given prison wing. This freedom was repressively structured within the needs of the prison administration. At HMP Holloway, for example, I was allowed to enter the mother and baby unit, which was seen as a flagship program for the prison, and one wing for remanded and sentenced prisoners. However the psychiatric wing, which housed women in appalling conditions and commonly witnessed self-harm (slashing), suicide attempts, and disturbed behavior by prisoners, was off-limits, as were high-security sentenced prisoners.<sup>44</sup>

In both prisons I first interviewed senior prison officers in order to establish a necessary rapport that offered me a secure window of freedom within the prison regime to carry out the interviews. In each case, the prison guard spoke to a number of women prisoners and invited them to participate in my research. I then spoke about my own perspectives on women's incarceration and mentioned some key issues, such as long sentences, the increasing prison population, and the impact on children, which sparked women's interest and indicated that I had a critical perspective of the prison system. News about my presence spread by word of mouth, and by the second day, more women came forward with their stories.

I insisted on carrying out the interviews out of earshot of the guards, although loudspeaker announcements, periods of lockdown in the cells, and random checks by prison officers were constant interruptions. During the course of this research, I interviewed thirty women; this paper focuses on the narratives of five women charged or sentenced on drug offenses.

### **NO PLACE LIKE HOME**

*Joy is 37 years old. She was born in England and sent to live with her grandmother in Jamaica when she was three months old. She returned when she was 11 years old, and her difficult relationship with her mother led her to leave home at*

---

44 In 1995, the Prison Inspectorate withdrew from HMP Holloway because it was too filthy and breached too many standards to be inspected. A prison guard compared conditions to "a tunnel in the Middle Ages" (Carlen, 2).

15. *After a series of failed relationships, Joy found herself unable to support her three children adequately on social security benefits. She became involved in drug-dealing and was arrested when police raided her apartment and found Class A drugs. She was sentenced to five years for possession with intent. Since her family resided in Jamaica, Joy's two daughters, age 8 and 15, were immediately put into state foster care. She receives visits from them every six weeks and is seeking a transfer to a prison closer to London to facilitate more frequent visits. Her son, who is 18, lives with his father in London.*

Joy's experiences of dis/relocation started at an early age when she was sent to Jamaica to be raised by her grandmother. For Caribbean women who migrated in the 1950s and '60s, England was a difficult and hostile location in which to raise young children. The absence of affordable, accessible childcare facilities would have been a deciding factor in sending Joy "back a yard." During Joy's first 11 years, Jamaica was home, and she found it hard to adapt when she moved back to England. Moving out of her mother's house due to constant arguments, she moved into her brother's apartment temporarily.

"We didn't get on either. My father used to call me a rebel without a cause; I was the black sheep. I totally rebelled against everything. So the day my brother broke a bottle and threatened to cut me up with it if I didn't get out his flat, I got out."

For women, home is often a site of violence. Although the adjective "domestic" suggests a less serious form of abuse, domestic violence against women by their male family members can move swiftly from threats to assault, rape, and murder. Early second wave feminists explained violence against women as a manifestation of patriarchal control and sought to demonstrate how such violence was fundamentally undifferentiated across cultural and geographical borders. This analysis failed to explore the ways in which race, class, and nationality articulate with gender to create distinctive forms of violence against women of color. In the service of masculinist diaspora projects, violence is utilized to restrict women from transgressions that might threaten essentialist constructions of family honor and community.<sup>45</sup> Joy's brother deployed violence to enforce his father's words that constructed her as a "black sheep," the shame of the family, and to expel her from home.

An engagement with the concept of "home" is central to diaspora projects. This can be imagined in different ways. A "homing instinct" may be a physical journey—for example, the formation of the state of Israel, or the establishment of Rastafari communities in Shashemane in Ethiopia. This literal return of course creates the problem of the displacement of the peoples living in the "promised land." For other diaspora projects, the return is figurative and involves adopting dress, hairstyles, and cultural practices that are traced back to a reconstructed tradition. This imagined homeland is constructed in part through the realignment of

---

45 Bannerji.

gender relations as women become the blank page on which the "motherland" is written. For diaspora projects influenced by a postmodern frame, home is an imaginary place of origin that can never be reached in its pure and authentic form.<sup>46</sup> Rather, we are left to narrate fictions of where we have come from, and to evaluate these by the extent to which they lead to politically useful outcomes.

As Brah reminds us, diasporic imaginings are overdetermined by the material realities of migration and relocation. For black British and foreign national women in English prisons, home is a complex site, representing at once freedom from the shackles of incarceration, complex relationships with men, children and female family members, and subjugated socioeconomic positions in their home countries. Joy experiences home as a place of unmet need and unfulfilled responsibilities:

My daughter comes to me and says: "Mum, am I going to school tomorrow?" And I say: "No, I don't think I've got the bus fare, you'd better take the day off." It's awful. I want my child to get an education. Or she needs a new pair of school trainers and you can't afford it. So, obviously when the opportunity came along, it's not something I went out looking for, it came along. So, I took a chance. I took a gamble. I'm not saying I'm proud, but I did it and I know my reasons behind it.

Joy's incarceration has led to her daughters becoming wards of the state and being placed into foster care. This is not unusual for incarcerated mothers. While a survey of male prisoners in English prisons found that 90 percent of their children were being cared for by the mother or current partner, men are far less willing to take on this role. Only 25 percent of children with mothers in prison were cared for by the father or current partner, and one in ten women had children who were fostered or adopted.<sup>47</sup> Joy's elder daughter was finding the transition particularly hard, and there was a possibility that she would have to be transferred to a separate home from her sister because of her foster parents' inability to deal with her distressed behavior. From the initial dislocation created by her mother's migration onwards, homelessness was a constant threat for Joy. Now in the next generation, her daughter is faced with the loss of her new home and her immediate family. These material losses are seldom captured in diaspora discourse that is more alive to home as a site of redemption and imagination.

#### **MOTHERS AND DAUGHTERS: WOMEN'S TRAVELING TALES**

*Juliet, who is 34, has been on remand for five months at Holloway Prison and goes to trial next week on charges of importation. Born in England, she was sent by her mother at age three to live with her grandmother in Jamaica. After twenty years, she returned to England and was united with her mother. As a professional singer, she traveled frequently to the United States and since 1992 has held a*

<sup>46</sup> Boyce Davies, 106; Hall, "New Ethnicities," 448.

<sup>47</sup> HM Inspectorate of Prisons for England and Wales, 12.

*green card. Although drugs were found on her when she was arrested at Gatwick Airport, she claims they were planted on her without her knowledge. Juliet has a teenage son, who lives in Canada with his father, and a three-year-old daughter, who is currently with the girl's father and grandmother in Jamaica.*

Transnational networks of kin are a formative part of diasporic subjectivity. When individuals are deeply involved in the lives of siblings, parents, and extended family in other countries, a diasporic consciousness is likely to emerge. Yet many diaspora projects privilege male circles of kinship. From the masculinist image of the father scattering his seeds, which forms the central allegory of much diaspora discourse,<sup>48</sup> to the notion of lineage claims of descent from a common original [male] forebear,<sup>49</sup> the starting point of masculinist diasporic journeys is inevitably the father's house.<sup>50</sup>

Yet the life stories of incarcerated black women demonstrate that grandmother-mother-daughter is a far more central triad. Histories of migration, poverty, and violence have, in many cases, forced Caribbean women to bear the economic and emotional burden of raising children alone. When women migrate in search of work, the female kin who stay home, while not as visible as the travelers, carry a heavy burden of family maintenance. Unlike the idealized myth of the super-strong, self-sacrificing othermother, female kin may struggle with the responsibility of raising motherless children.<sup>51</sup> Like Joy, Juliet was cared for by her grandmother. Juliet's grandmother was ill-equipped to meet her grandchildren's economic and psychological needs:

My grandmother had to separate us. We were all in Jamaica but she couldn't afford to keep us all. So my sister was going through this problem with my aunt, my brother's going through this problem, I'm going through this problem, we all meet together and cry. We didn't tell our grandmother because she would cry and we never wanted her to cry. We never get over it because.... [guard interrupts]

In a context where food and shelter are not taken for granted, survival is paramount and parental affection and emotional nurturing seem unnecessary luxuries. For the children, this meant seeking emotional support from each other, rather than their already overburdened grandmother. But it is her relationship with her mother, burdened by resentments and unmet expectations, which Juliet feels marks her childhood years:

She came to England, and she never looked back. She came back to Jamaica in 1988. My sister was born there, her first child. She never made an effort. Even if you were sick, correspond. I was going to school, and I

---

48 Cohen, Robin, 177.

49 Gordon and Anderson.

50 Appiah.

51 Collins, 116.



was so tearful. Send me a card so I could go to school and say: "My mother sent me a card."

Rather than constructing Juliet's mother as a "bad mother," we need to place her actions within the context of the survival imperative and communal ideologies of mothering. In this context, ensuring that one's children had food, shelter, education, and care within the extended family may be seen as fulfilling the maternal contract. Yet this does not address the psychology of migration. As Ang-Lygate points out, diasporic journeys lead to unpredictable new subjectivities. In some cases, this may involve consciously making a break with the past in order to avoid the pain of remembering what was lost. Whatever the motivation, Juliet was devastated by what she perceived as her mother's abandonment. Consumed with grief for this maternal loss, her grandmother's inability to keep the children together under one roof, feelings of abandonment, and low self-esteem, Juliet feels that her childhood experiences set the stage for her arrest and incarceration. Vulnerable and eager to please, she was a "soft touch" for a friend who asked her to carry an unopened package through customs. Seeing the pattern of her own life, Juliet is determined to break the cycle of abandonment and loss, yet fears the impact of her own absence from her daughter: "I'm not worried about myself, I'm worried about her. Because that would drive her where I was driven. I just wouldn't be there for her just like my mother wasn't there for me, so it's like history repeating itself. And that's the scary part. Because I know what it did to me."

Unlike Joy's case, Juliet's daughter is being cared for by her father and paternal grandmother and will presumably be in a stable home environment during the length of Juliet's incarceration. However, this is no guarantee that the separation from her mother will not result in lasting emotional and psychological damage. Female intergenerational bonds, ruptured in the last generation through labor migration, are once again threatened, this time by incarceration. The female triad, not the father's house, governs the diasporic longings and losses of incarcerated black women.

*Sade is 37. Born in England, her mother sent her home when her father died and she was raised in Jamaica with her nine siblings. She moved to England when she was 16 and trained to become a nursery nurse working with preschool children. Sade has three children, two boys, aged 18 and 6, and a girl, aged 13, who are now living with her husband. On a trip to Jamaica to collect her mother after a stroke, Sade was stopped at the airport with a quantity of drugs. Sade was promised £3,000 (US\$4,500) to carry marijuana, but the package turned out to be Class A drugs, and Sade received an eleven-year sentence. She is appealing the length of her sentence.*

Extended kinship networks are often conceived of as assets that enable diasporic communities to achieve success in today's global marketplace and to make economic contributions to the "homeland."<sup>52</sup> Women's narratives reveal that this

success is dependent on the unwaged and undervalued labor of women migrants and women who stay at home.<sup>53</sup> For women, multiple migrations simply create more sites of responsibility and extended burdens of care-taking. For second-generation Caribbean women in Britain, caring for elderly parents, many of whom wish to return home to the Caribbean, is an additional financial burden involving frequent travel. Sade was arrested when she was returning from Jamaica with her mother. The cost of caring for her invalid mother was a significant motivating factor in Sade's decision to import marijuana. Although her mother had relocated to Jamaica, her deteriorating health meant that her children in England would need to take care of her:

She was so used to being in Jamaica. She had two houses and land, and she was sitting there worrying about it. She decided she wanted to go back to sort out things, she said. So I brought her back, and then she decided she didn't want to come back [to England], she wanted to stay, so I had to get somebody to live in and look after her. Then we found out that she had another stroke, and so we brought her back over.

Complex intersections of class, citizenship, and gender underpin Sade's experience. As a returnee with foreign currency, her mother entered the Jamaican landowning bourgeoisie. Sade, although working class in England, is implicated in her mother's positionality through her relationship to the live-in domestic worker whom she hires to take care of her mother.

"The person who was living in the house looking after her, she decided to move the whole of her family in there. That's why I went to Jamaica to get everything sorted out. The lady moved all the children and grandchildren in, so I got them out of the house."

The domestic worker's actions speak to the displacement of those at home by those who return. Lacking access to foreign currency, she is not cushioned from the "belt-tightening" enforced on Caribbean nations by structural adjustment programs imposed by the International Monetary Fund. Cutbacks in health, education, and welfare have hit women hardest because they have primary responsibility for family health and well-being.<sup>54</sup> Potential solidarity between Sade and the domestic worker on the basis of gender and nationality is short-changed by class cleavages between them. For Sade, evicting the domestic worker's family is a necessary part of defending her familial home and her mother's economic interests.

---

52 Jain, 339.

53 Anthias, 573.

54 Osirim, 57-60.

### MULTIRACIAL COALITIONS AND DIASPORA'S BORDERS

*Denisha is an African-American woman in her mid-thirties from New Jersey. After she was in a car accident and lost one eye, she lost her job and found herself in debt with hospital payments. Initially rejected for disability payments by the state, she lost her apartment and became desperate. It was at this point that she agreed to smuggle drugs into Britain. Unknown to her, an associate had been caught already and had provided information to the authorities about future runs. Denisha was arrested at the airport, found guilty of importation, and received a seven-year sentence, which she is currently serving at HMP Winchester. Denisha has a five-year-old son, who is with her sister in the United States. In order to be closer to him, she has appealed successfully to be transferred to a prison in the United States.*

An important strength of diaspora projects is their ability to imagine wider communities and affiliations than those prescribed by national borders. The solidarity between African Americans and the South African anti-apartheid movement and Mahatma Ghandi's support for Indo-Caribbean workers movements are two such examples. African diasporic cultural production that emphasizes the global liberation of peoples of African descent, from Bob Marley to Tracy Chapman, have popularized the belief in a global African "world" united by struggles against racism. This sentiment was immediately obvious when I entered Winchester prison and asked women if they would agree to be interviewed. While white women were hesitant, black women, including foreign nationals, were eager to talk to me and share their concerns. African-Caribbean, black British, African-American, and African women formed networks that spread outside of the walls of the prison they were confined in, to all seven prisons for women. Women wrote to each other, made phone calls, relied on the grapevine through transferring prisoners, and even requested transfers in order to maintain these diasporic communities. Due to such connections, Denisha was aware of five other African-American women in the prison system. She herself had transferred there to be with a friend. That these affinities and solidarities between women prisoners are considered a threat by the prison authorities is evident in the policing of women's emotive and physical bonds. I was informed by one prison governor that where lesbian relationships are suspected, action may be taken to transfer one of the women to another prison.

Like diasporic communities on the outside, black women prisoners bond over struggles against institutionalized discrimination and everyday racism:

Some of the women have tried to get different jobs and been denied for no valid reason. A lot of the girls say they could do a lot better with regards to how they treat the black women out here. They don't have too much respect for you. Not in the language. Most of the officers, not in the matter of how they treat you. When it comes to whether you're going to get jobs, or get an education, or work on little things—say communicating with probation—sometimes you get a hard time.

During visits to prison educational programs and industries, a racialized division of labor and access was evident. Black women were absent from professional prison industries such as Braille translation. They predominated in the kitchens, hairdressing courses, and the electronic components factory. Women also compared sentencing and noted discrepancies based on race and citizenship. White English women were felt mentioned frequently as recipients of more lenient sentencing and greater sympathy by judges. A sense of shared experiences and common understandings of judicial racism therefore underpinned the solidarity between diverse women of African descent.

*Filomena is a black woman from Portugal in her mid thirties. She was arrested for importation of cocaine and received a five-year sentence, which she is serving at HMP Winchester. She left four children—15, 13, 8, and 5 years old—in Portugal alone in the house, expecting to return the following day. She has not been able to contact them since her arrest. Filomena is serving her time with another black Portuguese woman who was arrested at the same time.*

On entering the common room one afternoon, I found four women, chatting in a mixture of Spanish and Portuguese, who agreed to a group interview in Spanish. In addition to Filomena, there was one other African-Portuguese woman, a white Spanish woman, and one Colombian. Filomena's prison community consisted not of English-speaking African diasporic woman, but of women with whom she could communicate in a mixture of Spanish and Portuguese. Like Denisha, Filomena was aware of racism in the criminal justice system and complained about the unequal treatment that she felt he had experienced in court:

I was carrying thirty grams of cocaine, but I received a five-year sentence. Five years and I have four children at home alone.... As for English women, they come in with four or five kilos of cocaine from Jamaica or Venezuela, and they give them five years, two and a half years. Because its their own people, of course. And their whole family is here; it's not like it is for us.

Unlike the other black women, however, Filomena could not rely on solidarity and support from other women of African descent. She and other Spanish- or Portuguese-speaking women were isolated by linguistic barriers from the rest of the prison population:

Filomena explained, "When we got here, we couldn't communicate at all. Nothing. We found some Spanish girls, and we stay together."

Manuela added (in Spanish), "I said to the guard she didn't understand any English, and she needs help. He said you help her yourself. When I asked for my dinner, the other women started laughing."

Recent diaspora theory emerging out of the West is largely written in English about English-speaking subjects. There is seldom an attempt to engage in a dialogue with non-English-speaking theorists about Spanish, Portuguese, or other

non-Anglophone communities.<sup>55</sup> The centrality of the African-American experience to African diaspora projects in particular serves to erase "the other America," that is, Latin America, as well as the non-Anglophone Caribbean and mainland Europe.<sup>56</sup>

The limits of an Anglophone-centric approach to examining transnational communities are evident in Filomena's account. Despite the presence of diverse African diasporic others, she prefers to build a community of survival with non-African women with whom she can communicate with the ease of her first language. The sense of injustice shared by these women because of the prison authorities' failure to provide for their linguistic needs creates a strong bond between her and the other women, similar to the bond English-speaking black women share on the basis of experiences of racism. While black women from diverse locations may certainly share a common African diasporic consciousness, it is equally important to stay open to the possibility and indeed likelihood of solidarities that cut across diasporas.

Brah's concept of diaspora space, which emphasizes political and cultural articulations between more than one dispersed population, provides a framework for acknowledging such complex relations. The reinvention of blackness in Britain to incorporate African, Caribbean, and Asian women and the inclusion of groups labeled colored under Apartheid within the South African black liberation movement are both oppositional identities that challenge the idea that diasporas are inherently separate and bounded by their racial/ethnic identifications. The transnational alliances built by Filomena and her friends in the diaspora space of the prison challenge essentialist and rigid definitions of African diasporic subjectivity.

#### CONCLUDING THOUGHTS: INSIDE THE TRANSNATIONAL PRISON

The women's narratives collected here begin to map experiences that may add to existing discussions of the African diaspora. While diaspora projects have mapped cultural, political, and social formations within black communities in diverse geographic locations, little attention has been paid to the prisons, juvenile training camps, and other sites of detention where increasing numbers of African diasporic women and men are hidden behind bars. Women prisoners are made invisible to the outside world by technologies of security which limit communications through the walls, and by ideologies of law and order that inspire hostility toward the racialized figure of the "dangerous criminal" while obscuring the stories of loss, dislocation, and exploitation that characterize their lives. They are also invisible in diaspora projects that foreground the lives of intellectuals, cultural workers, entrepreneurs, and mobile communities in the "free world." At the

---

55 Important exceptions include work on African-German women (Opitz et al), explorations of the interactions of Harlem Renaissance and Negritude movements (Stoval), and work on Brazilian "quilombismo" (do Nascimento).

56 Boyce Davies, 101.

margins of these social worlds, incarceration creates a space of (un)location, where women are named and defined by objectifying criminological discourses and yet erased from the narratives and liberation politics of diasporic communities. During my research, I have observed black Portuguese women in an English prison forging solidarity with Colombian women, African-Canadian women in an Ontario prison participating in native drumming circles, and Puerto Rican women fighting alongside African-American women for the right to AIDS education in a U.S. prison. In the global prison industrial complex, these diverse figures converge to forge an oppositional diaspora space where new political and cultural solidarities and formations emerge.

By exploring the ways in which black British and foreign national women in English prisons experience home, family, and community, I have attempted to illustrate some new ways of thinking about the diaspora projects that have gained critical attention in recent times. At the core of these projects is a blindness to the punitive forms of policing and of law and order enforcement necessitated by the new global forms of capital with their immense inequalities and pauperization of communities of color. Yet despite the centrality of the prison industrial complex to the very processes that they wish to explore, diaspora theorists have failed to grasp its significance for contemporary social and cultural formations. If African diaspora projects are to open up spaces of resistance to the nexus formed by increasingly repressive state machineries and transnational corporate capital, they must pay more attention to the narratives of those who are at the brunt of the new globalized regimes of social control. They must attempt to make visible the spaces of (un)location which can be found not only inside women's prisons, but also in immigration detention centers, juvenile boot camps, and other sites of incarceration. They must rigorously examine the intersections of race, class, gender, and sexuality that mark both the policing of borders and their transgression. Finally, they must create oppositional collaborations between academics and grassroots movements, both in and outside of spaces of incarceration,<sup>57</sup> which can begin an informed dismantling of the structures and institutions of repression embedded in current global social, economic, and political formations.

## REFERENCES

- Ang-Lygate, Magdalene. "Charting the Spaces of (Un)location: On Theorizing Diaspora." In *Black British Feminism: A Reader*. Edited by Heidi Safia Mirza. (London and New York: Routledge, 1997), 168:186.

---

57 In September 1998, three thousand activists, prisoners, scholars, and students came together for "Critical Resistance: Beyond the Prison Industrial Complex," in Berkeley, Calif., to attempt such a collaboration. Mass mobilizations for the release of Mumia Abu Jamal and the Puerto Rican "prisoners of war" have similar potential although the connection between political prisoners and the political economies of prisons is not always made explicit in movements to liberate incarcerated activists.

- Anthias, Floya. "Evaluating 'Diaspora': Beyond Ethnicity?" *Sociology* 32 (1998), 557:580.
- Anzaldúa, Gloria. *Borderlands/ La Frontera: The New Mestiza*. San Francisco: Aunt Lute, 1987.
- Appiah, Anthony. *In My Father's House: Africa in the Philosophy of Culture*. London: Methuen, 1992.
- Baker, Houston A., Stephen Best, and Ruth Lindeborg. "Representing Blackness/Representing Britain: Cultural Studies and the Politics of Knowledge." In *Black British Cultural Studies: A Reader*. Edited by Houston A. Baker, Manthia Diawara, and Ruth Lindeborg. (Chicago: University of Chicago Press, 1996), 1:15.
- Bannerji, Himani. "A Question of Silence: Reflections on Violence Against Women in Communities of Color." In *Scratching the Surface: Canadian Anti-Racist Feminist Thought*. Edited by Enakshi Dua and Angela Robertson. (Toronto, Ont.: Women's Press, 1998).
- BBC. "Jamaica Battles UK Drug Mules." 4 Jan 2002. [http://news.bbc.co.uk/hi/english/uk/newsid\\_174100/1741283.stm](http://news.bbc.co.uk/hi/english/uk/newsid_174100/1741283.stm).
- Boyce Davies, Carole. *Black Women Writing and Identity: Migrations of the Subject*. London and New York: Routledge, 1994.
- . "Beyond Unicentricity: Transcultural Black Presences." *Research in African Literatures* 30 (1999), 96:109.
- Brah, Avtar. "Difference, Diversity and Differentiation." In *'Race,' Culture and Difference*. Edited by J. Donald and A. Rattansi. (London: Sage, 1992).
- . *Cartographies of Diaspora: Contesting Identities*. London and New York: Routledge, 1996.
- Carlen, Pat. *Sledgehammer: Women's Imprisonment at the Millennium*. Basingstoke: Macmillan Press, 1998.
- Chigwada-Bailey, Ruth. *Black Women's Experience of Criminal Justice: A Discourse on Disadvantage*. Winchester: Waterside Press, 1997.
- Churchill, Ward, and Glenn T. Morris. "Clinton's Initiative on Race: The Latest Chapter in America's Indian Wars." *Souls* 1 (1999), 59:67.
- Clifford, James. "Diasporas." *Cultural Anthropology* 9(1994), 302:338.
- Cohen, Robin. *Global Diasporas: An Introduction*. London: UCL Press, 1997.
- Cohen, Phil. "Rethinking the Diasporama." *Patterns of Prejudice* 33 (1999), 3:22.
- Collins, Patricia Hill. *Black Feminist Thought: Knowledge, Consciousness and the Politics of Empowerment*. New York: Unwin-Hyman, 1990.
- Davis, Angela Y. "Race and Criminalization: Black Americans and the Punishment Industry." In *The Angela Y. Davis Reader*. Edited by Joy James. (Malden, Mass.: Blackwell Publishers, 1998), 61:73.
- Devlin, Angela. *Invisible Women: What's Wrong With Womens Prisons?* Winchester: Waterside Press, 1998.
- Dhaliwal, Amarpal K. "Reading Diaspora: Self-representational Practices and the Politics of Reception." *Socialist Review* 24 (1994), 13:43.
- do Nascimento, Abdias. "Uma Alternativa Política Afro-Brasileira." In *Cartas 13: Falas, Reflexoes, Memorias*. (Brasilia: Gabinete do Senador Darcy Ribeiro, 1994.)
- Faith, Karlene. *Unruly Women: The Politics of Confinement and Resistance*. Vancouver: Press Gang Publishers, 1993.
- Gilroy, Paul. *There Ain't No Black in the Union Jack: The Cultural Politics of Race and Nation*. London: Hutchinson, 1987.

- . *The Black Atlantic: Modernity and Double Consciousness*. Cambridge: Harvard University Press, 1993.
- . "Nationalism, History and Ethnic Absolutism". In *Small Acts: Thoughts on the Politics of Black Cultures*. Edited by Paul Gilroy. (London: Serpent's Tale, 1993), 63:73.
- Goldberg, Eve, and Linda Evans. *The Prison Industrial Complex and the Global Economy*. Berkeley, Calif.: Agit Press, 1998.
- Gordon, Edmund T., and Mark Anderson. "The African Diaspora: Toward an Ethnography of Diasporic Identification." *Journal of American Folklore* 112 (1999), 282:296.
- Grewal, Inderpal. "The Postcolonial, Ethnic Studies, and the Diaspora: the Contexts of Ethnic Immigrant/Migrant Cultural Studies in the US." *Socialist Review* 24 (1994), 45:74.
- Hall, Stuart. "New Ethnicities." In *Stuart Hall: Critical Dialogues in Cultural Studies*. Edited by David Morley and Kuan-Hsing Chen. (London and New York: Routledge, 1996), 441:449.
- . "What Is This 'Black' in Black Popular Culture?" In *Stuart Hall: Critical Dialogues in Cultural Studies*. Edited by David Morley and Kuan-Hsing Chen. (London and New York: Routledge, 1996), 465:475.
- Heaven, Olga. "Black Women in Prison: Feeling the Pain." In *Imprisoning Women: Recognising Difference*. Edited by Stephanie Hyman. (London: Institute for the Study and Treatment of Delinquency, 1997).
- Hesse, Barnor. "Diasporicity: Black Britain's Postcolonial Formations." In *Un/settled Multiculturalisms: Diasporas, Entanglements, Transruptions*. (London: Zed Books, 2000).
- HM Inspectorate of Prisons for England and Wales. *Women in Prison: A Thematic Review*. London: Home Office, 1997.
- HM Prison Service. "Annual Report and Accounts April 1997-1998." London: The Stationery Office, 1998.
- Home Office. "Statistics on Race and the Criminal Justice System." London: Home Office, 1998.
- Howe, Adrian. *Punish and Critique: A Feminist Analysis of Penalty*. London and New York: Routledge, 1994.
- Hurston, Zora Neale. *Their Eyes Were Watching God*. Greenwich: Fawcett, 1969 [1937].
- Jain, Ravindra K. "Indian Diaspora, Globalisation and Multiculturalism: A Cultural Analysis." *Contributions to Indian Sociology* 32 (1998), 337:360.
- James, Joy. *Resisting State Violence: Radicalism, Gender and Race in U.S. Culture*. Minneapolis, Minn.: Minnesota University Press, 1996.
- Kapchan, Deborah A., and Pauline Turner Strong. "Theorizing the Hybrid." *Journal of American Folklore* 112 (1999), 239:253.
- Kessler, Clive S. "A Malay Diaspora? Another Side of Dr Mahathir's Jewish Problem." *Patterns of Prejudice* 33 (1999), 23:42.
- Mercer, Kobena. *Welcome to the Jungle: New Positions in Black Cultural Studies*. London and New York: Routledge, 1994.
- Nassy Brown, Jacqueline. "Black Liverpool, Black America and the Gendering of Diasporic Space." *Cultural Anthropology* 13 (1998), 291:325.
- Omi, Michael, and Howard Winant. *Racial Formation in the United States*. London and New York: Routledge, 1994 [1987].



- Opitz, May, Katherine Oguntoye, and Dagmar Schultz, eds. *Showing Our Colors: Afro-German Women Speak Out*. Amherst, Mass.: University of Massachusetts Press, 1992.
- Osirim, Mary Johnson. "We Toil All the Livelong Day: Women in the English-Speaking Caribbean". In *Daughters of Caliban: Caribbean Women in the Twentieth Century*. Edited by Consuelo Lopez Springfield. (Bloomington, Ind.: Indiana University Press, 1997).
- Owen, David. *Ethnic Minority Women and the Labour Market: Analysis of the 1991 Census*. Manchester: Equal Opportunities Commission, 1994.
- Prison Reform Trust. "CCA Restructures." *Prison Privatisation Report International* 28 (1999).
- Richie, Beth. *Compelled to Crime: The Gender Entrapment of Battered Black Women*. London and New York: Routledge, 1996.
- Rushdie, Salman. *Imaginary Homelands*. London: Granta, 1991.
- Safran, William. "Diasporas in Modern Societies: Myths of Homeland and Return." *Diaspora* 1 (1991), 83:99.
- Steady, Filomena Chioma. "African Feminism: A Worldwide Perspective." In *Women in Africa and the African Diaspora*. Edited by Rosalyn Terborg-Penn and Andrea Benton-Rushing. (Washington, D.C.: Howard University Press, 1997), 3:23.
- Stovall, Tyler. *Paris Noir: African Americans in the City of Light*. Boston: Houghton-Mifflin, 1996.
- Sudbury, Julia. *Other Kinds of Dreams: Black Women's Organisations and the Politics of Transformation*. London and New York: Routledge, 1998.
- . "En-gendering Anti-racism: Towards a Politics of Social Transformation." *Patterns of Prejudice* 32 (1998), 21:34.
- . "Transatlantic Visions: Challenging the Globalization of Mass Incarceration." *Social Justice* 27 (Fall 2000), 133:140.
- Terborg-Penn, Rosalyn. "African Feminism: A Theoretical Approach to the History of Women in the African Diaspora." In *Women in Africa and the African Diaspora*. Edited by Rosalyn Terborg-Penn and Andrea Benton-Rushing. (Washington, D.C.: Howard University Press, 1997), 3:23.

[The text on this page is extremely faint and illegible. It appears to be a multi-paragraph article or essay, but the specific content cannot be discerned.]

## PROFILING AND GETTING PAST RACE

JOHN MCWHORTER

---

*One out of three young black men are in jail or involved with the criminal justice system. This factoid has become a mantra in the black American community, chanted by rote as a badge of informed "black identity." And it is true.*

*An increasing number of black thinkers are dedicated to working against the sense that victimhood is the keystone of being an African American in the 21st century. But this mantra stands as the main obstacle to making our fellow Blacks realize that the race-seeking progress must celebrate its victories rather than downplay them, stress self-improvement rather than handouts, and treat problems as inconveniences rather than roadblocks.*

*So many of us want to get past race. Many suppose that eliminating racial preferences, eliminating the "silly little boxes" on forms requiring people to indicate their race, or fostering seminars on diversity in the workplace are the crucial tasks here. Too few understand that the main obstacle to getting us out of our current sullen holding pattern is the conflict between young black men and police forces in our cities. This is not just "one more thing." It is the thing, and until it is addressed nationwide and solved, there will be no meaningful progress.*

When I was growing up in the 1970s, my elders defended the victim-centered perspective on the basis of representation in higher positions in society. "How many black men have you seen running a corporation?" "How many black people does President X have in real positions in his Cabinet?" "How many black shows do you see on TV?" "How many black people do you see playing dignified parts in a white movie?"

Obviously, those questions are no longer possible. But today, with a black secretary of state and national security adviser, black television shows and movies produced by the dozens each year, and Atlanta of all places with a black female mayor, the victimologist position has a new crutch. Recite the ever more encouraging statistics on black economic advancement until you're blue in the face—the images at the front of all too many black minds are Rodney King, Amadou Diallo, and a tableau of cell blocks dominated by angry black male faces.

And this reflex stems from the outcome of the war on drugs, which led to a focus on black men in searching for contraband narcotics and played a large part in black men now constituting almost half of the prison population. Affirmative action, reparations, Nissan car loans, Al Sharpton, the Black-White test score gap,

---

\* John H. McWhorter is Associate Professor in the Linguistics Department at the University of California, Berkeley. Professor McWhorter received his Ph.D. in linguistics from Stanford University.

etc., etc.—in our moment it often appears as if profiling is just one of many issues on the race relations landscape. The race question can seem a roiling mess of endlessly interdependent ills. This leaves many Whites privately inclined to just give up on Blacks. Meanwhile it shores up the defeatist strain even in more-reflective Blacks, often convinced that our race problem is so very “complex”—often a coded way of excoriating Whites for how utterly insoluble a mess they have presumably left us with.

Imagine an America where Blacks do not bob their heads in warm assent when they hear Tupac Shakur shouting, “Fuck the police! *Fuck* the police!” Imagine an America where black undergraduates do not flock to courses on race and the law to be taught that Blacks are victims of the criminal justice system because there are no longer any grounds for interpreting the legal system as racist. Imagine an America where for black children, developing a “black identity” in their teens does not mean internalizing a sense that Whites are the enemy and that to embrace school is to become one of them. Imagine an America where Blacks chanting about white hegemony are a fringe element, hovering at the margins of elections, rarely sought on the lecture circuit, and publishing their books with vanity publishers.

Tantalizing vision. But it will never come to pass as long as the conviction reigns that White America is engaged in a war against black men. Today, racial profiling is not just one problem on the landscape of race relations. It is the main thing distracting African Americans from sensing themselves as true Americans rather than a people apart. Pull away this card, and the whole house would fall down.

In *Losing the Race*, I argued that Black America has been hobbled by three nested ideologies since the late 1960s. The adoption of victimhood as a racial identity (the cult of Victimology) spawns a sense that black people are subject to looser standards of judgment (the cult of Separatism), which in turns leads to a sense of intellectual excellence (beyond that applying directly to Blacks) as something exterior to “blackness” (the cult of Anti-Intellectualism). Profiling encourages all three of these strains of thought.

\*\*\*

The very physicality and invasiveness of being regularly stopped by the police, sharply interrogated, often frisked, and sometimes even physically abused is uniquely suited to creating a sense of embattlement. We need only consider how many of us felt at airports after September 11, 2001, when the scanner seized on a belt buckle or packed-away knitting needle, having to raise our arms and be subjected to a body scan by a stranger in front of dozens of onlookers. Imagine enduring this out on a city street with police cars stopped alongside, lights glaring and radios squawking. The black man who has undergone this kind of treatment—or even seen it happen to family members and friends—is one less receptive to recitations of declining black poverty statistics, and likely to see Condoleezza Rice as a fluke rather than as a personal inspiration. Imprinted with the statistic that fifteen black men had been shot dead by the police in Cincinnati over six

years, only the most independently minded black Cincinnati will see much wisdom in anyone's asserting that Blacks need to stop framing themselves as victims.

Many Whites are alternately perplexed or impatient seeing so many Blacks grouching about the horrors of racism as if it were 1920. But profiling plays a major role in convincing Blacks that racism is as prevalent today as it was in the past. Of course in bird's eye view, all indications are that it is not—economic indicators, the numbers of Blacks in high positions, results from polling data, the rise in interracial marriages, and other facts relegate claims that America remains hostile to Blacks to the realm of rhetoric. The friction between Blacks and law enforcement is like the chimney standing after a house burns down, left alone as the most resistant feature of something otherwise reduced to shards and remnants.

Black Harvard sociologist Orlando Patterson notes that vestiges of racism are today concentrated among less-educated, working class Whites, and that police forces represent this layer of society. Patterson notes that the problem is that for many young black men, tense and often incendiary encounters with just these people are one of the most immediate interactions with Whites they have. The statistics on general societal indicators, buried in dense nonfiction books reviewed in the *New York Times Book Review*, do not reach most of them and never will. They are first infused with the reflexive anti-White ideology of the elders in their immediate experience and then directly impacted by the sting of sudden, edgy clashes with white public servants. As Wesley Skogan (political scientist and criminology specialist at Northwestern University) notes, people most fear threats that they have the least control over. Can we blame a 17-year-old black teen for feeling helpless if he is shoved against the wall by surly white policemen while hanging out in a park with friends? Can we blame him for feeling helpless even if the neighborhood is a hotbed of drug dealing and the policemen are acting on a concrete tip that makes checking him and his friends sensible on its face?

Instead, profiling lends itself to being interpreted as a replay of the racist animus that led to lynching in the past. To the outside observer, lynching is a historical curiosity that Blacks would be best off "letting go." But for many Blacks, the number of black men in jail suggests a covert way of expressing a deep-seated fear of black masculinity.

And this sad reality stokes the most damaging misconception in Black America today: that the existence of even vestigial racism stands between blacks and achievement. Misconception this is: Many ethnic groups were subjected to virulent abuse in this country and rose to the top nevertheless, and this even included regular doses of what would later be called police brutality. Chinese and Irish people regularly had the daylights beaten out of them on city streets in the 19th and early 20th centuries.

But these facts are distant history to most today and often dismissed by Blacks on the basis of an idea that antipathy to Blacks is somehow more decisive than it was for these people. ("If you're white, you're all right; if you're brown, stick around; if you're black, get back.") It is the immediate that truly moves

most, and this is all the more problematic in an age when events can be recorded and endlessly repeated before our eyes on tape. "Come early and stay late" if there is bias against you, says the black "conservative." The white conservative pundit rails against the "defeatist rhetoric" of black leaders. And the black person watching TV making dinner sees the tape of Rodney King being beaten to the ground, while their son comes home listening on his Discman to his hero Tupac Shakur rapping about how much the po-lice hate the nigga. Racism does not hold black people down? The innocent Amadou Diallo being gunned down to the floor with 41 shots does not exactly help make this case.

Few black men would assert upon questioning that they are victims. On the conscious level, black discourse encourages "black pride" and the fact that we are a strong people. The victim-focused self-image, like so many that are most damaging, reigns tacitly. I recall a twenty-something black man—educated and, by outward indicators, unlikely to have grown up poor—at an African-American studies conference, charismatically crowing that he deserved affirmative action because of "what I have to go through as a black man in this country." A scattering of audience members chimed in with "mm-hmm." This was 1998, and thus the man was unlikely to be denied employment, education, patronage of a business establishment, or (in the Bay Area, at least) even the love of many white women if he desired it. He also gave all indication of being overall a confident, Type-A sort of guy. The indignity he was referring to, essentially, was mistreatment by the police—say, the night when he was driving to meet some friends at a nightclub and was stopped and forced to endure a frisking because there was a report of a drug dealer lurking in the neighborhood. Experiences like this are the last bastion supporting a self-conception like his.

As such, profiling plays directly into a tragic situation where a race's self-image is based less on its positive traits than on its negative image in the eyes of whites. In the black community, it is unfashionable to claim too loudly that the black person must be able to dance, speak black English, listen to hiphop, eat soul food, dress in certain ways, etc. Because these features perhaps have certain ghetto associations, they are certainly cherished, but with a layered ambivalence, dwelt upon more readily in private. But there is one qualification considered too *sine qua non* to tiptoe around: the black person must be aware that whites see them through the same racist eyes that they see other Blacks. To give any indication otherwise is to elicit the sharpest of contempt.

Racial profiling is almost uncannily well-suited to bolster this ideology, and unsurprisingly, today it is the Soul Patrol's battering ram of choice. Example: a black comedian on the Black Entertainment Network crowed in 2000, "If Tiger Woods thinks he ain't black, then wait til he gets pulled over by a cop!" The black audience howled in joyous assent. That is, Tiger Woods is laughable for trying to opt out of blackness because Whites will always see him as one of us. And how will it be made most bracingly clear that he is one of us? When he gets racially profiled.

Black entertainment culture also displays the crucial place that profiling occupies in the black American self-conception today. Black film director John Singleton has a poster of Tupac Shakur hanging over his lead character's bed in *Baby Boy* (2001). A black man two generations back would more likely have had an image of Martin Luther King, Jr., and in any case there existed no young singer preaching alienation available for such a black man to celebrate. But this is today, and Shakur's work is endlessly eulogized in the black hip hop press, celebrated in college electives, and recited by many young blacks—including college students—as readily as many young white collegians recited Elizabeth Barrett Browning and Edna St. Vincent Millay in the old days.

And Shakur is not even generally considered to be the most lyrically deft of rappers. A large part of his mystique lies in his encounters with the police and his spell in jail. The latter was possibly a frame-up, and many of his lyrics almost obsessively run down the police. If profiling and its aftermath in prison statistics had not come to the fore in the late 1980s, Shakur and his fellow gangsta rappers would not have struck such a chord among black listeners. If we could go back in time and play gangsta rap for young black college students in 1958, they would be baffled and repulsed, even after having seen black teens escorted into Central High in Little Rock under armed guard just the year before (Blacks of this age are almost universally appalled by the likes of Tupac Shakur). Notice that there was no black music dwelling in this vein until the war on drugs.

Another example was an episode of the early 1990s sitcom *Roc*, a kind of sepia version of *The Honeymooners* popular with Blacks. Black actors on sitcoms have often felt it necessary to avoid "the *Julia* syndrome" by occasionally having an episode show that all is not sunny for Blacks in America. On *The Jeffersons* in the 1970s, the result was an episode where George Jefferson saved the life of a Ku Klux Klan member by artificial respiration. Informed upon reviving of the physically intimate way Jefferson had saved him, he said that he would rather Jefferson had let him die. Chilling, but the implication was that these people were remnants, not a serious present-day threat—that is, remember where we *came from*. *Roc* star Charles Dutton's gesture in this direction two decades later during the war on drugs? A show where *Roc* was thrown to the ground and hauled off to jail just for being in the wrong place at the wrong time. This time, the plot was torn from the headlines—remember where we *are*.

Nor can we be under any impression that profiling lends a sense of victimhood only to young men. The number of black men in jail or involved with the criminal justice system feeds into the common wisdom in the black community that eligible black men are a rare find for available black women. The Scarce Black Man Syndrome becomes a form of victimhood for black women, even if they are not the usual target of police profiling. To wit: Whites' hatred of black men is seen as leaving black women lonely or mired in troubled relationships with partners unequal to them in aspirations and earning potential.

And this in turn creates more interracial suspicion by conditioning an acute resentment among many black women of white women who “take our men.” In a society where, in fact, racism is ever on the decline, it is inevitable—and, one would think, welcome—that romances and marriages between Blacks and Whites are on the rise. But in an America where young black men are disproportionately entangled with the criminal justice system, black women often see these interracial relationships as eating into the already atrophied pool of men they have to choose from. Once again, profiling is a lynchpin in what keeps us from getting past race as so many would like us to.

\*\*\*

The sense that Blacks are a people under siege leads, with natural but destructive logic, to a notion that the black criminal is at heart an innocent, condemned at birth by a society that denies his humanity. How much can one expect, after all, from someone destined to be treated by the police the way we see the Los Angeles police treated Rodney King? Or even a black man who grew up seeing the King and Diallo episodes—plus whatever similar cases erupted in their municipality that did not happen to get national coverage—discussed by his elders as evidence that Whites remain implacably hostile to Blacks’ walking the Earth? Remember, Rodney King and the resentment it sowed across America was more than ten years ago. Someone who was eight in 1991 is almost twenty as you read this.

The upshot of observations like these among many Blacks is a sense that while the white criminal is reprehensible, the black criminal must be understood. This underlying conviction that black people are exempt from serious judgment is what I refer to in *Losing the Race* as the cult of Separatism. Profiling feeds directly into it.

For example, most Whites were appalled to see Blacks cheering O.J. Simpson’s acquittal, but what led many Blacks to suspect that Simpson was innocent was the revelation that officer Mark Fuhrman was on record as liberally using “the N word” in private discussions. This element instantly cast the case in a larger light, as a referendum on police brutality against Blacks. Many objected that nevertheless, Simpson had been coddled for years by the LAPD, who had turned a blind eye to his wife-beating because of his celebrity. But much of the black jubilation over his acquittal came from a delight in seeing the police suffer “payback” for their oppression of black men in general.

The mostly black jury gave all indication of having operated under this ideological influence, almost willfully disregarding the actual evidence in favor of vigilante justice. One jury member openly said that they had had no interest in considering the import of the DNA evidence, for example. Any claim that the LAPD’s corruption was merely anecdotal is belied by the recent revelations that a cabal of its officers regularly framed young men during the 1990s. Simpson’s savior Johnnie Cochran chronicles similar happenings in earlier times in his auto-



biography, a huge hit in the black community, helping to imprint on the vine a sense that the LAPD had it coming.

Crucially, this imperative to stick it to the LAPD, and by extension the police in general, was felt so deeply as to outrank the issue of Simpson's guilt, which any idiot could not help but glean. This was another indication that the police profiling issue has become the keystone of black alienation.

And this kind of alienation is what has transformed the Civil Rights Movement's focus on integration into the modern sense that our task is to define ourselves *against* the mainstream, in the hopes of preserving a sovereign black realm into which Whites are forbidden to enter. In the late 1990s, black comedian D.L. Hughley built his sitcom *The Hughleys* around a black man who moves his family into a white suburb and is uncomfortable with the prospect that his children may lose their black identity. This sounds so normal to us after three decades of multiculturalism and the salad bowl. But note that in her classic play of 1959 *Raisin in the Sun*, Lorraine Hansberry—whose bona fides as authentically black are as yet unquestioned—gives matriarch Lena Younger not one line expressing a fear that her little grandson Travis might “become white” when her family achieves her fiercely desired goal of moving to a white neighborhood. The idea back then was that we would all come together, a goal previewed by Hansberry, whose husband was white.

What, then, planted this antipathy to the white man thirty years later in Hughley, who is too young to have known the segregated America that Hansberry depicted, in which no network would have provided him with a series that has made him a millionaire? We get a clue in his segment of the stand-up comedy anthology film *The Kings of Comedy*. In the midst of a rollicking routine, at one point he does an abrupt detour into a reference to Amadou Diallo's having been shot 41 times after policemen mistook the wallet he took out of his pocket as a gun. This glum observation contrasts so sharply with the jocular tone of the surrounding routine that it even throws the mostly black audience a bit. But Hughley risks it nevertheless, his sudden tart glare signaling that he felt that acknowledging the Diallo episode was an urgent gesture even in a party atmosphere. Tell D.L. Hughley to get over slavery, and he, regardless of his exploding mutual funds, thinks about—profiling.

\*\*\*

Finally, the self-conception as strangers in their own land that profiling nurtures leads to a sense of school and learning as the lore of the oppressor. Writers like Diane Ravitch, Heather Mac Donald, and Sandra Stotsky have chronicled the hijacking of education schools since the 1960s by a leftist distrust of traditional learning. Since then, a powerful current in education seeks to bolster students' self-esteem against a demonized establishment by encouraging them to express themselves, rather than learn facts and be trained in careful reasoning and concrete skills.

consciousness is due neither to stupidity nor to self-righteousness, despite frequent appearances to the contrary. Rather, this ideology is a symptom of inner pain. It is wielded as a balm for a debased racial self-image, a legacy of the past whose echoes are still deeply felt just 35 years after the end of legalized segregation.

Many of us (including more Blacks than we usually hear from) may wish black people would just “get over” this, but that is going to take a while. Sure, in an ideal world, black leaders would take the numbers of black men in jail as a call to address how open so many young black men are to stepping outside of the law, rather than as fodder for indicting Whites as racists. But we are stuck with the here and now, where we are faced with a studied vigilance based on reflex and emotion rather than fact-checking. The sad fact is that under those conditions, statistics and hard logic will be of no effect in teaching Black America that the police are not an occupying army.

If most of the rioters in Cincinnati in 2001 in the aftermath of the shooting death of a black man had criminal records, then they were acting out against a racist society that penned them into festering neighborhoods. If the police stop more black men because black men dominate the street drug trade, then the drug peddlers are revolutionaries playing the cards they were dealt. If Black-on-Black homicides increase after a profiling controversy when officers refrain from stop-and-frisks—as happened in New York after the Diallo killing and in Cincinnati—then now Whites are just letting Blacks kill each other because they don’t see them as human. (Reverend Damon Lynch, prominent black leader in Cincinnati, promptly leveled this charge in the summer of 2001.)

If black police officers profile as much as white ones, then they have been turned against their own people. If Latino officers were the prime culprits in excessive profiling in Miami in the 1990s, then they learned to hate the black man from Whites. If Caribbean and African Blacks thrive in America despite being equally subject to profiling (Abner Louima is Haitian; Diallo was from Guinea), then immigrants are an unfair comparison because they have a unique drive to succeed. And so on.

Diallo’s case is especially illustrative. The mythology of his death is that four policemen surrounded him in a lobby and gunned him down like an animal. In fact, Diallo was in a hallway at the top of a staircase; one officer had gotten to the top of the stairs, mistook him as drawing a gun, and yelled, “He’s got a gun!” while at the same time slipping backwards on the steps out of fear. Only then did the other officers—frightened, undertrained, and mistaking the first officer’s slip as evidence that he was being aimed at—run up the staircase with guns ablaze. That remains a hideous event, but it was due more to semicompetence, impulse, and terror than naked hostility toward Diallo. But the myth will persist, just as the dramatization *Inherit the Wind* has left forever the impression that William Jennings Bryan made a poor showing at the Scopes trial and dropped dead at the end, when in fact he acquitted himself fairly well and died peacefully a few days later of diabetes.

To return to D.L. Hughley as a demonstration case, he will probably not have occasion to learn the real facts about Diallo's death. The case is now years in the past, and the mainstream media are more interested in supporting victimology than giving evidence against it. And if he does happen to come across the real story, he may well assume that the truth is being covered up. Is he paranoid? Not necessarily, given regular revelations that just such cover-ups have been routine among police officers. A recent example is the Ramparts scandal in the LAPD, where a coterie of officers operated beyond the bounds of the law in a quest to corral drug traffickers, medicating themselves on openly racist pep talks. Their ring-leader revealed this under duress in 2000 in Hughley's state of residence, widely covered in the local newspapers Hughley is likely to read and on the local news programs he is likely to listen to. And Hughley is typical: Local revelations of this kind, which are not rare, inform the views on race of millions of black Americans.

The Fox Network and *The National Review* can object til the cows come home that profiling is necessary to stop the flow of drugs into black neighborhoods. And they will be correct. But what black Americans will retain, from the street corner up to the boardroom and faculty lounge, is that young black men are routinely singled out and often abused in drug searches despite usually being innocent. And they too will be correct. And as long as they are, racial profiling will stand as today's main enabler of the dismaying, counterproductive sentiment that to be "authentically black" is to maintain a quiet distrust of the white man, to never feel quite at home if black people are not present, to sense integration as capitulation rather than the path forward.

\*\*\*

My experiences since I wrote *Losing the Race* have made this ever more apparent. One black woman agreed with my statements about black students and schoolwork based on a television appearance I had made and began corresponding with me as she read the book. As she got to the section on profiling, objection began to supplant agreement in her messages. She had worked in the criminal justice system, and when she saw that I could not be moved to concur with her that profiling shows that racism still determines black lives, she stopped writing. She was heartened to see a black writer arguing against the other planks in the "racism forever" rhetoric. But the crime issue was, for her as for so many, non-negotiable.

In one passage in the book, I describe how in one encounter I had with a surly police officer, I sensed that the only thing that kept it from developing into an unpleasant incident was that I have an educated-sounding voice, discouraging the officer from processing me as the criminal type. One black reviewer on Amazon.com misread me as boasting about this, implying that other black men would not be profiled if they would just learn to speak more elegantly, and that I am in the meantime immune to abuse by the police. His disgust at this formed the basis of an indignant slam of a review. I mention this only to show how very sensitive

this man was to the profiling issue, such that this one passage in a 280-page book elicited such an extreme response.

My dissertation adviser was John Rickford, who in addition to being on Stanford University's linguistics faculty is also the head of the school's African-American studies program. His politics are unabashedly leftist. He was, for example, the most prominent black linguist supporting the Oakland School Board during the Ebonics controversy in 1997 and had no love for Shelby Steele's *The Content of Our Character* in 1991. Though he predictably does not agree with my sociopolitical perspectives, he has wished me well since *Losing the Race* was published, and we have maintained a warm relationship.

In the spring of 2001, however, he (generally someone who largely restricts his e-mail use to the brief and utilitarian) sent me a link to an article in a local newspaper describing two innocent black boys' violent encounter with the police. Appended to it was a calm yet urgent message to me to realize that when I write that Black America's condition is much better than the Jesse Jacksons insist, I am distracting white readers from tragic realities such as the boys' story. And in the past, John has objected to my views on race by recounting an edgy experience with the police that his son had as a teenager in the 1990s.

For Rickford as well as the Amazon reviewer and the criminal justice system administrator, any calls for Blacks to look on the bright side and stress initiative are premature and irrelevant until stories like this are no longer commonplace in America. Get over the past, many Whites think. But even for a reasonable and sterling black scholar such as Rickford, the past is still here. And he is not alone—he is representative of a burning resentment in Black America over racial profiling and the massive number of black men languishing in prison.

\*\*\*

Surely our solution is not to refrain from focusing on young black men who exhibit clusters of traits and behaviors that reasonably suggest involvement in the drug trade. To do this would be inhumane, in leaving innocent residents of poor neighborhoods at the mercy of hardened criminals. The question is whether we can profile intelligently in a way that does not leave black America feeling persecuted by marauding gangs of white men with guns.

Relevant here is the fact, downplayed by the bleeding-heart mainstream media, that many residents of these very neighborhoods often wish there were *more* of a police presence to protect them from the hoodlums over which they have no control. The key to clearing these neighborhoods of the young criminal element is to do so in conjunction with these residents, involving them closely in the police force's efforts to identify those most likely to be trafficking in drugs and the locations where they ply their trade. Police officers must develop an on-foot presence in these districts rather than just trawling through them in cars. They must become familiar and trusted by innocent residents who are as committed as they are to making the neighborhood safer.

This exact tactic has worked well in Boston. This city has figured little in recent coverage of profiling despite its large disadvantaged black population. This is because cooperation between police officers and local residents has led to a decrease in drug traffic and other street crimes—without an attendant rise in black opposition to law enforcers. Black people are not insane, and regardless of lingering distrust of “whitey,” no one on the block cries racism when the drug peddler who has corralled dozens of black boys into the trade and gotten many of them killed is taken off the street—as long as his fate is due to the combined action of the concerned old heads on the block and the police together. In such cases, residents may even be more open to the sad reality that in police work, accidents will sometimes occur in the heat of the moment, such as in the Diallo case.

Obviously this advice is not original to me. I derive it from the counsel of many people whose opinions on the matter are based on career credentials in law and criminology. Too often, however, we receive these people’s messages as mere voices in the crowd—today’s op-ed, what what’s-his-name said at that colloquium; yeah, involve the community, of course. Rarely is it realized that short of making the Boston story a national one, we will remain mired in the stalemate most of us are so tired of. A vocal fringe of Blacks will continue their quest to keep Whites eternally guilty for the sins of the past. Most Blacks sitting on the sidelines will be torn between privately wishing black teens and their parents would get their acts together and a group sense that black authenticity means placing the blame on Whites so that they don’t forget they are on the hook. Most Whites will shake their heads wearily, torn between a liberal pity and a conservative inkling that they are being had.

\*\*\*

This message is especially relevant to today’s Republican Party, who would like to attract the black vote. They believe that they have something to offer in return for that vote: a platform better suited to the advancement of a people on the rise than the Democrats’. Many other ethnic groups are seeing this truth, and as more Latinos and Asians pledge their allegiance to the Republicans with each election cycle, black Americans are falling behind the curve.

Democrats, hostage to the theatrics of identity politics, see African Americans as piteous souls incapable of achieving without handouts. To condition a person to handouts is to disempower them. As such, a Black America that continues to vote virtually to a man for Democratic presidential candidates is a Black America without political representation. Moreover, the predictability of the black vote has long left the Democratic party with no incentive to actually do anything to attract or deserve it. In our moment, the Democrats maintain their hold on the black electorate less through sustained efforts to improve black lives than through symbolic allegiance to the cult of the victim. As such, black Americans cannot look to them for genuine commitment to addressing the profiling issue.

Many Republicans suppose that they have already made proposals that one would think black voters would embrace. For instance, the Bush administration's Faith-Based and Community Initiatives were a more proactive approach to inner city stasis than anything the Democrats have suggested since the Johnson administration. But the change it promised would be slow and indirect. And its emphasis on self-help can be suspicious and counterintuitive to a race trained since the 1960s—for better or for worse—to suppose that all that is holding the inner cities down is Whites' refusal to write bigger checks or bring businesses in. Similarly, the wisdom of workfare over welfare will only become apparent as years pass, as the children who grew up with mothers who worked every day prove less susceptible to falling into cycles of dependence.

Singing of these things on the *Wall Street Journal's* editorial page preaches only to the converted. If Republicans seek the black vote, then because the profiling issue is today at the heart of reflexive black alienation, there is no more direct route to their goal than in making sustained efforts to heal the relationship between black people and police forces. This is all the more urgent given how much better a country this would create.

\*\*\*

Our task is to make it so that a generation—just one—of African-American people grow up without experiences leading them to process the police as Blacks' enemy. This is for a very specific reason: *profiling and black incarceration rates are the last support for the victimologist position as a prevalent current in black thought.*

Victimology is already showing signs of decline otherwise. Millions of Blacks in their mid-thirties like me, often married with children and in the prime of their lives, barely remember the heyday of the black radical (I was three when Dr. King was assassinated). Polls demonstrate that younger Blacks are less likely to trace black ills to racism than older ones. Black politics is minting no new Al Sharptons. And black conservatives are nowhere near as lonely and beleaguered as they once were. I have taken much less heat than Shelby Steele did ten years before *Losing the Race* was published. There are times when I personally suspect that my positions—more centrist than right anyway—are the majority opinion in Black America once we strip away certain cognitive dissonances.

Without the profiling problem, certainly some vestigial race-based discrepancies would remain. None of these, however, would be visceral enough in impact to shore up the melodrama and willful alienation that our Mary Frances Berrys are stuck in. Issues like small discrepancies in car loan deals, inconclusive suggestions that doctors are less solicitous towards black patients, and niggling head counts of the black presence on network television shows are not the kind of thing that sends people out to the streets. Unlike the naked realities of racial profiling, these issues are slight statistical discrepancies, where race is often but one of several factors, and they operate largely beyond the awareness of the individual.

If we could see *just one* generation of black people—that's all it would take—grow up in an America where systemic racism was limited to ever fewer phenomena of this kind, then as they became young adults, black Americans' perspective on racism would be similar to black Caribbeans' and Africans' response to even the nastier kinds of racism. Namely, that it isn't fair and must be addressed, but that black American lives remain among the most comfortable on the planet, that we had a lot to do with getting ourselves to that point, and that occasional inconvenience means that you get up and move on. And this generation would pass this on to the next one, parent to child, teen to toddler, teacher to student, in actions as well as words, in public as well as in private, in attitude as well as posture. This is how a culture changes. This is where, I think, most people white and black would like Black America to go, and all of us are wondering just why it is taking so long.

We would have gotten there fifteen years ago if the war on drugs had not intervened, a new log on a fire which was well on its way to running out of fodder. And so here we are, with the words "black people" still referring to a problem rather than to a proud, self-empowered ethnic group. The solution here is much less complex than often thought. When young black people see Tupac Shakur's song "The Streetz R Deathrow" as a quizzical period piece rather than the way it is, we will finally be in the America that the Civil Rights heroes fought for.

The first step in the process of developing a public policy is to identify the problem. This involves a clear understanding of the issue at hand, its scope, and its impact on the community. Once the problem is identified, the next step is to gather information and data. This can be done through various methods, including surveys, interviews, and focus groups. The goal is to gain a comprehensive understanding of the problem and the needs of the affected population.

After gathering information, the next step is to analyze the data and identify the root causes of the problem. This involves looking for patterns and trends in the data, as well as identifying the underlying factors that contribute to the problem. Once the root causes are identified, the next step is to develop a policy proposal. This proposal should be based on the information gathered and the analysis of the data. It should outline the goals of the policy, the strategies to be used, and the resources needed to implement the policy.

The final step in the process is to implement the policy. This involves putting the policy into action and monitoring its progress. It is important to have a clear plan for implementation, including a timeline and a budget. It is also important to have a system in place for monitoring the progress of the policy and making adjustments as needed. Finally, it is important to evaluate the impact of the policy and report on its effectiveness.

The second step in the process of developing a public policy is to identify the stakeholders. This involves identifying the individuals, groups, and organizations that are affected by the problem and the policy. It is important to identify both the direct and indirect stakeholders, as well as the interests of each stakeholder. This information is used to develop a communication plan and to engage the stakeholders in the policy-making process.

Once the stakeholders are identified, the next step is to develop a communication plan. This plan should outline the goals of the communication effort, the strategies to be used, and the resources needed to implement the plan. It should also identify the key messages to be communicated and the methods for measuring the effectiveness of the communication effort.

After developing a communication plan, the next step is to engage the stakeholders in the policy-making process. This can be done through various methods, including public hearings, focus groups, and surveys. The goal is to gain the input and feedback of the stakeholders and to build a consensus around the policy proposal.

The final step in the process is to implement the policy. This involves putting the policy into action and monitoring its progress. It is important to have a clear plan for implementation, including a timeline and a budget. It is also important to have a system in place for monitoring the progress of the policy and making adjustments as needed. Finally, it is important to evaluate the impact of the policy and report on its effectiveness.



## BLACK MEN FENCED IN AND A PLAUSIBLE BLACK MASCULINITY

GREGORY J. HAMPTON\*

---

The notion of manhood has never been something easily attainable for black males in America. Since antebellum America, the white male patriarchy has tried to contain black men with the titles of "boy" or "beast." Even at the beginning of the new millennium, it is painfully evident that adolescent black males are still having difficulty fitting into a white-male-dominated American social structure. What may not be so evident is the fact that beyond racist stereotypes, the black manhood has been illusive for so many because the premise of Western masculinity is habitually ambiguous and flawed by its very nature. How is a black boy to be raised and led into manhood? Is a father figure necessary?

Contrary to Sigmund Freud, I do not believe that little boys necessarily learn the performance of masculinity from their fathers.<sup>1</sup> Consequently, the idea implied by the Moynihan Report, that little black boys raised in single-parent, female-run households are prone to be poor fathers and poorer husbands (if they get to that stage) is utterly ridiculous and suspect of the most overt misconceptions of racism.<sup>2</sup> Rather, little boys learn to be men from whatever source is available at the time. Whether a female or a male shows a little boy what it is to be masculine does not make a significant difference. The teacher of masculinity is not as important as the definition and conditions of the terms of masculinity.

If a loving and gentle person demonstrates or communicates the terms and parameters of masculinity to a male child, that child will more than likely emulate what he has been taught until various living conditions force him to adapt his understanding of masculinity in order to survive. In short, regardless of the gender or availability of role models, a male child must grasp some understanding of masculinity if he is to survive in the patriarchal social structure. Whether a male child learns a performance of masculinity that is "productive" and "good" is largely dependent upon the living conditions and environment he must function within. Thus, the notions of class and race have just as much to do with the construction of a black masculinity as do gender and circumstance. In this essay, I will attempt to get at what I refer to as the construction of black masculinity. I will use examples from literature—largely because literature can use characters to reflect our "American values," but also because certain works define our culture and history.

There are innumerable examples in American Literature that could easily support the claim that gender construction and race are inextricable. The two exam-

---

\* *Assistant Professor of African-American Literature in the Department of English, Howard University. Dr. Hampton received a Ph.D. in English from Duke University.*

1 Freud, 63-65.

2 Moynihan.

ples that I will employ to unpack the construction of black masculinity are *Fences* (1986) by August Wilson and *Death of a Salesman* (1949) by Arthur Miller. These two great American plays are the signs of their times. Between them they bundle together how Americans view masculinity and how boys tend to enter manhood. These two plays depict "common men" struggling to obtain an American dream as defined by F. Scott Fitzgerald's *The Great Gatsby* (1925), and a sense of masculinity as defined by a racially divided American nation. The underlining premise for this discussion will be that the literature of a society is a direct reflection of the values and living conditions of that society. Both plays entail a narrative depicting the lives of millions of men in America today and yesterday. And although the narratives are written in a fictional genre, they speak historical truths about very real social conditions and tragedies in America. Through *Fences*' Troy Maxson and his two sons, Lyons and Cory, I wish to investigate the process of constructing and employing a notion of masculinity and methods of distinguishing an American (white) masculinity from a black masculinity. Troy's sharecropping father abandons Maxson in *Fences*, conveying the lessons of masculinity and the possibilities of success in a racialized America.

Where August Wilson's *Fences* is a play overtly saturated with issues of race and racialism, Arthur Miller's *Death of a Salesman* only implies a discussion of marginalization via ethnic discrimination. What I mean by this is that it could be argued that Willy and Linda Loman in Miller's work both fit an archetype of an American Jewish couple, post-World War II, struggling to obtain the great American dream through hard work, perseverance, and passing. By passing, I am referring to the art of deception that Nella Larson employs in her *Passing* (1929): intentionally or unintentionally allowing individuals or communities to believe you are something that you are not. Although Miller never clearly mentions Willy's and Linda's Jewish ethnicity, he names their two sons with WASP<sup>3</sup>-sounding "American names," Biff and Happy; Miller writes Willy as a hard-working character who is misguided with regards to success and is unexplainably marginalized and "not well liked" by his peers.

In addition to constructing tenets of masculinity, an equally important concern of this essay is whether there are separate "rules" governing black and white masculinity. Arthur Miller's writing of Willy Loman and his two sons, Happy and Biff, will serve as the white counterpart to Troy Maxson's African-American experience. More importantly, Willy Loman stands as evidence that white masculinity is also a detrimental and extremely flawed notion. Any monolithic or generic construction of masculinity, black or white, will yield adverse effects because "alternative masculine behaviors and Afrocentric values differ from traditional European American standards of manhood."<sup>4</sup> There are no African-American characters mentioned in the Miller's play, but the issue of masculinity is at

---

3 This common acronym refers to white Anglo-Saxon Protestant.

4 Harris, 280.

the center of the narrative. Willy Loman is a failure as a father, a husband, and a traveling salesman. The reader is led to believe that Willy Loman's failure is directly correlated to his abandonment by his older brother Ben and his fortune-seeking father. Willy Loman never learned what it meant to be a "real man" via the role models in his family and he is ill-equipped to teach his sons what manhood should entail circa 1950. Ultimately, Willy Loman's failures as a man are due to the fact that "white masculinity" in America is analogous to the illusive American dream of wealth, social security, and equal opportunity; it cannot be attained by most.

In August Wilson's contemporary tragedy *Fences*, the main character Troy Maxson suffers from his inability to develop a productive black masculinity. Troy Maxson is doomed, as most tragic heroes or "common men" are, to follow in his father's footsteps down a path of the "truly disadvantaged."<sup>5</sup> Troy's mother deserted his family when he was eight years old.<sup>6</sup> His father took responsibility of the family—after all, "How he gonna leave with eleven kids? And where he gonna go? He ain't knew to do nothing but farm."<sup>7</sup> The environment that Troy is raised in is rural and poverty-stricken. Troy's father is a sharecropper who constantly struggled to make ends meet by "getting them bales of cotton in to Mr. Lubin,"<sup>8</sup> the white owner of the land Troy's father slaved over.

In the case of Troy Maxson, the first lesson of masculine performance is fairly lucid: A man must provide for his family. A man must do what a woman cannot. In Troy's experience, this translates into providing for the children you sire. A man's children are his responsibility and despite the circumstances or desire to walk off, a man is absolutely bound to the care of his children. Unfortunately, this lesson made no mention of demonstrating kindness or respect for the children by the father. In fact, Troy's father goes on to commit an attempted rape of Troy's adolescent girlfriend:

We done found us a nice little spot, got real cozy with each other. She about thirteen and we done figured we was grown anyway... so we down there enjoying ourselves... ain't thinking about nothing We didn't know Greyboy had got loose and wandered back to the house and my daddy was looking for me. We down there by the creek enjoying ourselves when my daddy come up on us. Surprised us. He had them leather straps off the mule and commenced to whupping me like there was no tomorrow. I jumped up, mad and embarrassed. I was scared of my daddy. When he commenced to whupping on me... quite naturally I run to get out of the way.

---

5 The words are from William Julius Wilson's 1987 book, *The Truly Disadvantaged: The Inner City, the Underclass and Public Policy*.

6 Wilson, 51. (Act I, scene 4.)

7 Ibid., 51.

8 Ibid., 51.

(Pause)

Now I thought he was mad cause I ain't done my work. But I see where he was chasing me off so he could have the gal for himself. When I see what the matter of it was, I lost all fear of my daddy. Right there is where I become a man... at 14 years of age.<sup>9</sup>

The adult-Troy finishes his story by telling his eldest son, Lyons, and his best friend, Bono, that he came to understand what it was to be a man the moment he was able to beat his father off Joe Canewell's daughter and run away from his father's home, leaving his younger siblings to deal with their father in their own way. Thus, images of rape, rage, misogyny, and psychologically disturbances surrounded Troy Maxson's first lesson of manhood or masculinity. Masculinity for Troy Maxson is an incomplete narrative filled with mythologies that can only serve to misguide the adult Troy in his own experience of manhood and fatherhood.

The main conflict in *Fences* entails Troy Maxson attempting to give his son Cory a better direction in life than he had as a black athlete seeking the major leagues in a segregated America. Cory has the opportunity to receive a football scholarship from a college in North Carolina, but Troy disallows him to remain on the football team. Troy believes that Cory would do better working in a White-owned grocery store than going to college on a football scholarship, only to be disappointed by racial discrimination.

Troy Maxson's understanding of masculinity is inseparable from his racial experience in a racist America. The borders of his masculinity are covered with insecurities and complications that the "white common man" will not experience because of white privilege. Because Troy is a black man, he must find a way to express his masculinity around black people in a way that can only be defined as dominant. In his work place and outside of the confines of black communities, Troy must mute his dominance in a way that suffocates his self-esteem. Troy's masculinity, like that of most black men, past or present, is stuck in a paradox. If a black man is too "masculine," white America defines him as a threat to the social order, and he is punished. If the black man shows any signs of subordinate behavior, he is defined as lazy, cowardly, or shiftless by both the black and white communities, and he is punished.

The black man has to constantly shift—on a daily basis—a performance that is crucial to his identity if he is to survive in an environment that has historically been hostile toward bodies marked as black and male. Masculinity then is a shifting mask of performance that must be worn constantly from adolescence until adulthood. Unfortunately, the mask oftentimes disallows its wearer to see what might be beneath the facade. And if such shifting is to be done successfully, it must be done in the margins and near the medium of the American social structure.

---

<sup>9</sup> *Ibid.*, 52.

Masculinity is often defined by what it is not. This method of definition is common in binary-based thinking because it is simple and facilitates easily recognizable categories. Girls wear pink, and boys wear blue. Masculinity is everything that femininity is not. If a woman is passive, a man must be aggressive; if a woman is weak, a man must be strong; and if a woman runs, a man must certainly stand his ground. In the case of the black man, things are considerably more complicated because the race variable is necessarily factored into a binary equation.

Although biology is an important denominator in understanding race, history must also be considered. Historically black men were not allowed to be men, let alone human. The primary function of chattel slavery was to dehumanize and necessarily emasculate black men, turning them into something that can only be understood as feminine. What I mean by this is that black men were not allowed to perform masculinity in the same way as a white male slave owner. Black men were not allowed to perform in a way that could be understood as the opposite performance of a woman. Slaves were servants, beasts of burden, and machines who were not worthy of ownership of their bodies. By definition a slave of any sort was subordinate to white men and thus feminine in comparison.

As a free black man in the 1950s, Troy Maxson's learning of "misinformed masculinity" has doomed him and his sons to a cycle of paradox. Troy's inability to communicate with his youngest son, Cory, is a result of him wanting to protect Cory from racist America. The task of protecting Cory becomes difficult for Troy because it entails explaining to Cory that America (in Troy's mind) will never allow a young black male to perform and succeed in the same way as a white man. Troy is unable to explain to Cory that he cannot be a man via traditional performances of masculinity. Furthermore, in such an explanation Troy would have to admit to his son that he has also been denied manhood, despite his efforts as a father, husband, and garbage collector.

The White man ain't gonna let you get nowhere with that football noway. You go on and get your book-learning so you can work yourself up in that A&P or learn to fix cars or build houses or something, get you a trade. That way you have something can't nobody take away from you. You go on and learn how to put your hands to some good use. Besides hauling people's garbage.<sup>10</sup>

Troy wants a better life for his son. He wants Cory to be a better man than he was allowed to be in a segregated and devoutly racist America. Troy is accurate in his understanding that education might lead Cory to a better life than that of a garbage collector, but Troy is shortsighted in his understanding of how a man's job correlates with his sense of masculinity. Possessing a blue-collar job and supporting a family is what white men in America have been expected and encouraged to do

---

10 *Ibid.*, 35. (Act I, scene 3.)

since America was founded. Unfortunately, black men have historically been disallowed and discouraged to participate in such performances of masculinity. What Troy Maxson does not understand is that he has been holding himself and his son Cory to a standard that does not and cannot include black men. This is ultimately why Troy Maxson fails as a husband and father. Troy is ill-equipped with definitions and examples of black men defined by standards acknowledging the histories and contexts of black men in a racist America.

Troy Maxson's dilemma is one that is not resolved in *Fences*, nor is it resolved in the experiences of even the most successful black men in America, past or present. Since Frederick Douglass' two-hour-long fist fight with Mr. Covey in chapter ten of the *Narrative of the Life of Frederick Douglass*, black men have been fighting to beat the white man at his own game using the tools of the white male patriarchy. Chapter ten of Douglass's narrative is the longest and most important chapter in his autobiography because it is centered around Douglass obtaining his "manhood" by way of overpowering the institution of American slavery. In chapter ten, Douglass asserts, "You have seen how a man was made a slave; you shall see how a slave was made a man."<sup>11</sup> Mr. Covey is more than an overseer, more than an angry white man; he is the representative of the entire Southern white race who needs to believe that Douglass, and people like him, are inferior and less than human. Although Douglass won his battle and eventually gained his physical freedom, the irony rests in the fact that it is debatable whether he truly gained his manhood on his own terms, which must truly be the only way to obtain one's manhood. After all, Douglass can only win when Mr. Covey concedes that he has lost, and winning is determined through physical punishment.

The fact that Douglass cannot define the terms of his own freedom or his own manhood has a wider reach than is apparent. If someone else sets the rules, does that guarantee that you have the tools to follow them? Harris criticizes such standards by emphasizing that black men are unable to meet the standards of manhood because these rules are underspecified:

Pressures to meet European American standards of manhood as provider, protector, and disciplinarian... have [been] internalized and accepted [as] standards of manhood [by most African-American men despite inequalities] in earning potential and employment and limited access to educational opportunities....<sup>12</sup>

In an article entitled, "The Master's Tools Will Never Dismantle the Master's House," found in *Sister Outsider*, Audre Lorde asserts that to continue to play a game that is designed to place marginalized people in the losing category is futile. "They may allow us temporarily to beat him at his own game, but they will never enable us to bring about genuine change."<sup>13</sup> A marginalized individual can not

---

11 Douglass, 75.

12 Harris, 280.

expect to end a system of marginalization via the same standards and definitions that subjugated them in the first place.

To go a step further, if there is a house of white masculinity, even the master's tools cannot renovate what has become dilapidated and dysfunctional in a changing America. Arthur Miller's *Death of a Salesman* provides profound evidence that the standards of white masculinity are so high and oblivious to history and circumstance that even the hard-working red-blooded white American male falls short of achieving manhood. Willy Loman is the low man indeed with regards to raising his two sons, Biff and Happy. Willy is a suicidal traveling salesman who has come to the conclusion that he is worth more to his family dead than alive. In addition to being a poor role model for his sons, Willy is an adulterer with low self-esteem and a highly flawed sense of morality.

Like Troy Maxson, Willy Loman's faulty understanding of masculinity is instilled in him via his fortune-seeking father who abandoned Willy at an early age.

Can't you stay a few days? You're just what I need, Ben, because I—I have a fine position here, but I—well, Dad left when I was such a baby and I never had a chance to talk to him and I still feel—kind of temporary about myself.<sup>14</sup>

Willy's older brother Ben serves as an even poorer example of masculinity because he has also abandoned Willy without proper masculine instruction. When Willy's father abandons his family, Ben is present to provide an even weaker and temporary role model. In the above passage, Willy's "temporary" feeling is undoubtedly a result of a childhood trauma that Willy never overcame. In Miller's American tragedy, Willy Loman is reduced to a paranoid failure who would rather relive a false past than face his present social status and state of mind. In absolute terms, Willy's failure to become a successful father and husband is no less or greater a failure than Troy Maxson's. But in relative terms, Willy Loman is ultimately a far greater failure than his black counterpart Troy Maxson in the performance of masculinity because of racial privilege. If a white man can be placed on the same level as a black man with less opportunity and social privilege, largely due to his race and racial circumstances, that white man has fallen further than any black man could ever hope to fall: The whiter they are, the further they fall from grace and the expectations of Western thought.

What is most important about Willy Loman is that he represents the common white American male. And if Willy Loman is the average white male, white masculinity is a notion that is not often obtained, not even by white men. This line of thinking suggests further that black men such as Troy Maxson are doomed before their narrative begins. Therefore, although the learning of manhood might be

---

13 Lorde, 112.

14 Miller, 51.

dependent upon several variables of social identity, its standards are monolithic and mythical.

Claude Brown's novel *Manchild in the Promised Land* (1965) is the classic example of how manhood is constructed in the minds of millions of little black boys in urban and rural America. Although the hero of the novel, Sonny, does manage to escape the doom of drugs, street violence, the American prison system, and the darkness of mis-education via jazz piano and dumb luck, his story stands as testament that the path to manhood for an African-American male is constantly treacherous and potentially lethal.

As a child, I remember being morbidly afraid. It was a fear that was like a fever that never let up. Sometimes it became so intense that it would just swallow you. At other times, it just kept you shaking. But it was always there.<sup>15</sup>

The fear that Sonny speaks of is the same fear that all black boys face on a daily basis in a society that defines them as a threat from the moment they step into a public space. It is a fear that exists because black male adolescents and adults are made acutely aware that they will be punished if they do not perform the way they are expected to perform by the white male hegemony.

Young [black] boys are reading, writing, counting and playing, and they're cute. Somewhere in the fourth grade, they're not cute any longer. By the time they get into the fifth grade, they've been pegged trouble makers.<sup>16</sup>

Sometimes the Sonny (Claude) Browns and Troy Maxsons can fall between the cracks and go unnoticed, but most often they are marked and rendered unemployed, imprisoned, or dead. This has been the case since World War II despite other social and economic improvements in more recent decades.<sup>17</sup>

#### A PLAUSIBLE BLACK MASCULINITY

I show through two popular and important literary works that masculinity as defined by white America is elusive for black men and for white men who can successfully pass as white. Should there be a special rule book for black men? A plausible black masculinity must be something that is defined beyond the purely performative. Black masculinity should not be something that depends solely on how an individual acts or is written in a mythical *Book of Racial Behavior*. The construction of masculinity must be a method or process of identity that considers the varying historical and cultural experiences of black men in America. Masculinity should be a process that has the ability to change with the circumstances of an individual yet provide an outline that would distinguish necessary gender differences.

---

15 Brown, 426.

16 Jackson, 1.

17 Wilson, 82.



Thinking of masculinity in such a way necessarily entails allowing adolescent boys to pick and choose their own masculine examples and role models instead of force-feeding them the same unattainable white male mythologies. Misogynistic, homophobic, and overtly violent heroes like Rambo, Dirty Harry, and James Bond must be substituted with more culturally and anti-xenophobic characters that provide black adolescents with more options of manhood.

A plausible black masculinity must be an identity that transcends the traditional practices associated with "man-making." A plausible black masculinity must begin with the deconstruction of blackness, manhood, and all of its counterparts in the American imagination. In other words, any plausible masculinity must not be limited by mythologies of race, gender, and class. The real, the ambiguous, and the difficult truths of the 21st Century must guide masculinity. Black and white men have asserted their dominance over women and themselves the same way for centuries. In truth, there is no black male patriarchy, just as there is no monolithic white male patriarchy, because both power and masculinity cannot be confined to such binary thought. Plausible masculinity for any male must be individually constructed and thus must truly be a synthesized (man-made) phenomenon.

#### REFERENCES

- Brown, Claude. *Manchild in the Promised Land: A Modern Classic of the Black Experience*. New York, N.Y.: Signet, 1965.
- Douglass, Frederick. *Narrative of the Life of Frederick Douglass: An American Slave, Written by Himself*. Boston, Mass., and New York, N.Y.: Bedford Books of St. Martin's Press, 1845.
- Freud, Sigmund. "Vol X.: The Cases of 'Little Hans' and the 'Rat Man' (1909), Cases 1909B 10/22, 1909B 10/101, 1909B 10/115, 1909B 10/141." In *Abstracts of the Standard Edition of the Complete Psychological Works of Sigmund Freud*. Edited by Carrie Lee Rothgeb. (New York, N.Y.: International University Press, 1973), 63:65.
- Harris, Shanette M. "Psychosocial development and black male masculinity: Implications for Counseling Economically Disadvantaged African-American Male Adolescents." *Journal of Counseling & Development* 73 (January/February 1995), 279:287
- Jackson, H. Jerome. "The Dilemma of the Black American Male." *Crisis* 101 (May/June 1994).
- Larsen, Nella. *Quicksand and Passing*. New Brunswick, N.J.: Rutgers University Press, 1986.
- Lorde, Audre. *Sister Outsider*. Freedom, Calif.: The Crossing Press, 1984.
- Miller, Arthur. *Death of a Salesman*. New York, N.Y.: Penguin Books, 1949.
- Moynihan, Daniel P. *The Negro Family, the Case for National Action or the Moynihan Report on the Negro Family*. Westport, Conn.: Greenwood Press, 1981.
- Wilson, August. *Fences*. New York, N.Y.: A Plume Book, 1986.
- Wilson, William Julius. *The Truly Disadvantaged: The Inner City, the Underclass and Public Policy*. Chicago, Ill., and London, U.K.: University of Chicago Press, 1987.



## INTRODUCTION TO THE LIFE AND LEGACY OF MALCOLM X

MANNING MARABLE\*

---

**FOR MALCOLM, A YEAR AFTER**  
*Compose for Red a proper verse;  
Adhere to foot and strict iamb;  
Control the burst of angry words  
Or they might boil and break the dam.  
Or they might boil and overflow  
And drench me, drown me, drive me mad.  
So swear no oath, so shed no tear,  
And sing no song blue Baptist sad.  
Evoke no image, stir no flame,  
And spin no yarn across the air.  
Make empty anglo tea lace words—  
Make them dead white and dry bone bare.*

*Compose a verse for Malcolm man,  
And make it rime and make it prim.  
The verse will die—as all men do—  
But not the memory of him!  
Death might come singing sweet like C,  
Or knocking like the old folk say,  
The moon and stars may pass away,  
But not the anger of that day.*

—Etheridge Knight

When Malcolm X was assassinated at the Audubon Ballroom in Manhattan, at the age of 39 on February 21, 1965, he had been a prominent public figure for less than a decade. He had formerly been the national spokesperson of the Nation of Islam, a conservative Muslim sect that had little impact on mainstream American life. His new protest group based in Harlem, the Organization of Afro-American Unity, existed barely a year and had only several hundred members and supporters at the time of his death. For these reasons, many prominent black leaders believed that Malcolm X's influence would quickly and quietly disappear. Only

---

\* *Professor of History and Political Science; Director, Institute for Research in African-American Studies; Editor, Malcolm X Project; Columbia University. Dr. Manning received his Ph.D. from University of Maryland at College Park.*

*Speech delivered at John F. Kennedy School of Government, Harvard University, Cambridge, Mass., February 8, 2002. Reprinted with permission from the author.*

days after the assassination, Bayard Rustin, the architect of the 1963 March on Washington, D.C., wrote, "Now that he is dead, we must resist the temptation to idealize Malcolm X, to elevate charisma to greatness. Malcolm X is not a hero of the movement, he is a tragic victim of the ghetto.... White America, not the Negro people, will determine Malcolm's role in history." Political journalist Henry Lee Moon, editor of the National Association for the Advancement of Colored People's (NAACP) *The Crisis*, declared in April 1965, "Malcolm was an anachronism... vivid and articulate but, nevertheless, divorced from the mainstream Negro American thought." Malcolm X's harshest critics were the leaders of the Nation of Islam. Only days following Malcolm X's assassination, Elijah Muhammad denounced his protégé as a "hypocrite" whose "foolish teaching brought him to his own end."

A generation after his assassination, the image and reputation of the man known both as Malcolm X and El-Hajj Malik El-Shabazz have been profoundly transformed. Most historians of the black experience now rank Malcolm X among the half-dozen most influential personalities in African-American history, an elite group that includes Frederick Douglass, Booker T. Washington, Dr. W.E.B. Du Bois, Marcus Garvey, and Dr. Martin Luther King, Jr. But unlike these other historical personalities, Malcolm X alone has become, since the early 1990s, a genuine cultural icon to millions of young African Americans and other young people throughout the world.

The first phase of the "remaking" of Malcolm X occurred in late 1965, with the publication of the book *The Autobiography of Malcolm X*. Written with the assistance of journalist Alex Haley, the book presented a remarkable narrative about the complex sojourn of one man's life. Although the story was deeply rooted in the unique cultural and historical terrain of the black experience, its appeal transcended the boundaries of race, class, and language. *The Autobiography of Malcolm X* soon became a best seller, and over the next 35 years it would sell nearly three million copies. Other edited volumes and collections of Malcolm X's speeches and writings were published, including *Malcolm X Speaks* (1965), *The End of White World Supremacy* (1971) and *February 1965: The Final Speeches* (1992). In 1999, *Time* magazine named *The Autobiography of Malcolm X* among the ten most influential works of nonfiction of the twentieth century.

In 1992, Spike Lee's film biography of Malcolm X brought the story of this remarkable life to an international audience. Produced at the cost of more than \$30 million, and featuring Academy Award-winning actor Denzel Washington, the film was a critical and financial success. By the 1990s, thousands of male babies of African descent each year in the United States and throughout the black Diaspora were named Malcolm or Malik. Excerpts from Malcolm X's speeches were grafted into the popular music of hip hop artists.

According to a 1992 opinion poll conducted by the Gallup Organization and published in *Newsweek*, 57 percent of all African Americans polled agreed with the statement that Malcolm X should be considered a hero for black Americans

today. Malcolm X's greatest popularity was found among African Americans between the ages of 15 to 24, with 84 percent of those polled agreeing with the statement. When asked the reason for Malcolm X's widespread popularity, 84 percent of the respondents stated that he stood for "Blacks helping each other." Another 82 percent responded that Malcolm X symbolized a "strong black male." Malcolm's popularity now transcends ideology and politics among black people, and he is increasingly acknowledged as an important figure in American life and history.

Malcolm X was quickly transformed from being a street corner orator in Harlem, to a trendy symbol on designer jeans, sweatshirts, and baseball caps. In 1992 Malcolm X clothing sales reached \$100 million in retail sales, with about one-quarter to one-half of all sales coming from unlicensed merchandise. One enterprising company for a time even marketed "X-Brand Potato Chips," without the consent of Malcolm X's family.

By the mid and late 1990s, general references to Malcolm X within mainstream American popular culture had become commonplace. On a 1994 television program designed for teens, a young white woman in high school comes to terms with her anxiety about her self-image by listening to the words of Malcolm X, who tells her, "Who taught you to hate?" In the summer of 2000, one of the biggest box office hits was *X-Men*. The commercial film was a theatrical adaptation of the Stan Lee comic series about a race of mutants, who are divided into two groups—the "integrationists," led by Professor Xavier, and the "separatists," led by the charismatic hero Magneto. The film clearly plays on the ideological tension that defined the black freedom movement of the 1960s, the division between the integrationists led by Dr. Martin Luther King, Jr., who sought cultural inclusion and reforms within the system, and the black nationalists symbolized by Malcolm X, who championed black separatism, militancy, and protest. At the end of the *X-Men*, the captured and apparently defeated Magneto vows to continue his struggle for justice, using Malcolm X's most famous expression, "by any means necessary."

But perhaps the most remarkable form of recognition merited to Malcolm X occurred on January 20, 1999, at Harlem's historic Apollo Theatre. A jubilant audience of fifteen hundred people, in an event chaired by actor Harry Belafonte, witnessed the unveiling of the United States Postal Service's postage stamp, with the image of Malcolm X. The ranking Democrat on the Congressional Subcommittee for the Postal Service, Representative Chaka Fattah, commented, "There is no more appropriate honor than this stamp because Malcolm X sent all of us a message through his life and his life's work. Malcolm X's message of human rights, his thoughts, his ideas, his conviction, and his courage provide an inspiration even now to new generations that come." Actor and activist Ossie Davis, who had delivered the eulogy at Malcolm X's funeral in 1965, took to the podium with special pride: "We in this community look upon this commemorative stamp finally as America's stamp of approval."

The celebration over the Malcolm X stamp, however, was hardly universal. For many white conservatives, Malcolm X remained a dangerous revolutionary, a harsh critic of America's war in Vietnam, an opponent of the American capitalist system, and an advocate of black social protest. To many black nationalists, radicals, and the Marxist left, the stamp was deeply offensive. Malcolm X, after all, had been illegally wiretapped, his private conversations and public addresses recorded, his mail opened and his organizations disrupted by the same government who now honored him with a postage stamp. As with Dr. Martin Luther King, Jr., another victim of FBI surveillance who was also assassinated at the age of 39, Malcolm was now praised by many of the same interests who had condemned his ideas and teachings when he was alive. As one outraged black critic put it, the commemorative postage stamp was the only way that the United State government could finally "lick" Malcolm X.

It is relatively rare when a historical figure becomes far more powerful and influential decades after his death than he was in life. One might say that Malcolm X was pivotal in how Black America saw itself. But conversely, the cultural and political reconstruction of Malcolm X has also taken place, what black cultural critic Michael Eric Dyson has termed "Making Malcolm." Complicating this process is that there are also very divergent images and interpretations of the "real" Malcolm X, drawing upon eclectic words, phrases, and texts taken from different periods of his life. One can "construct" a wide variety of "Malcolms" but getting at the "real" figure of Malcolm X requires the skills of the historical archeologist, chipping away at deep misconceptions and distortions about his historical personality. Most American history textbooks still juxtapose King and Malcolm X, emphasizing the former's philosophy of nonviolence and commitment to racial integration against the black Muslim's verbal militancy and demands for "the ballot or the bullet." But the actual record points toward a growing ideological affinity between these central political figures in black history.

In fact, early in February 1965 he traveled to Alabama to address gatherings of young activists involved in a voting rights campaign. He tried to meet with King during this trip, but the Civil Rights leader was in jail; instead Malcolm met with Coretta Scott King, telling her that he did not intend to make life more difficult for her husband. "If white people realize what the alternative is, perhaps they will be more willing to hear Dr. King," Malcolm X explained.

Malcolm X occupies a unique place in the history and cultural imagination of Black America. Like Frederick Douglass, he was known during his public life as perhaps the most outstanding orator of his day. Like Marcus Garvey, Malcolm X was responsible for building an influential black nationalist-oriented organization, which had a profound impact on the ways that African Americans see themselves. Like Dr. Martin Luther King, Jr., Fannie Lou Hamer, Ella Baker, and many other activists in the black freedom movement of the mid-twentieth century, he earned widespread respect for his personal integrity and political courage. Like Dr.

W.E.B. Du Bois and Paul Robeson, Malcolm X recognized the profound connections between the challenges and conditions confronting the African-American people, as a "nation within a nation," and the struggles of Third World nations against colonialism. But perhaps more than any other historical figure in the black experience, Malcolm X best represents symbolically how African Americans perceive themselves contextually within their own national culture and consciousness. One way of appreciating Malcolm X's unique status as a cultural figure would be to draw a comparison with Dr. W.E.B. Du Bois. Du Bois was the pre-eminent *interpreter* of the black experience: Malcolm X was the central *expression and embodiment* of the mid-twentieth century black experience. As one of my African-American students explained to me several years ago, "Dr. Martin Luther King, Jr., belongs to the world, but Malcolm X belongs to us."

The man who would be known to the world as Malcolm X was named Malcolm Little and was born at University Hospital in Omaha, Nebr. His parents, Earl and Louise Little, were activist supporters of Marcus Garvey's black nationalist organization, the Universal Negro Improvement Association. Attallah Shabazz, the eldest daughter of Malcolm X and Dr. Betty Shabazz, writes: "My grandmother had a direct hand in the cultural, social, and intellectual education of her children.... (As) members of the Garvey movement cognizant of the true origins of the African in the Western Hemisphere, both my grandmother and her husband were intent on equipping their children with a clear awareness of the seed of their origins and its ancestral power." In 1928 the Little family purchased a home in Lansing, Mich., but less than two years later the house was destroyed by fire. Earl Little was found dead in 1931, probably the victim of racist violence. Louise Little struggled to keep their family together, but in early 1939 she was institutionalized in a state mental hospital, where she would remain for a quarter-century. Malcolm was placed in various foster homes and for a time was placed in the Michigan State Detention Home.

In 1941, Malcolm's half-sister on his father's side, Ella Collins, brought the teenager to her home in Boston, Mass.. Over the next five years, Malcolm held a wide variety of jobs in both Boston and New York City. Known to the streets of Harlem as "Big Red" and "Detroit Red," Malcolm entered the underground economy of the ghetto, running numbers, liquor, and selling illegal drugs. As presented in the Spike Lee film biography of Malcolm X, Detroit Red's lifestyle reflected the "hep cat" world of the zoot-suited young black and Latino urban males of the World War II era. In the *Autobiography*, Malcolm vividly recalls the swinging music and acrobatic dancing of the young black couples at Boston's Roseland and Harlem's Savoy Ballroom: "They'd jam-pack that ballroom, the black girls in wayout silk and satin dresses and shoes, their hair done in all kinds of styles, the men sharp in their zoot suits and crazy conks, and everybody grinning and greased and gassed." Malcolm became friends with many jazz musicians and entertainers, including Billie Holiday and Lionel Hampton. Historian Robin D.G. Kelley emphasizes that the zoot-suited Malcolm Little, so immersed in the black

popular culture of the 1940s, should not be overlooked or forgotten in our understanding the complex personality we identify as Malcolm X.

In January 1946, Malcolm Little was arrested and charged with grand larceny and breaking and entering. He was promptly sentenced to prison and would live behind bars until his release in August 1952. At the Concord Reformatory Prison in Massachusetts, Malcolm was introduced to a black nationalist Islamic sect, the Nation of Islam (NOI), by his brother Reginald. Joining the NOI while incarcerated, Malcolm corresponded frequently with the sect's leader, Elijah Muhammad (formerly Robert Poole). The NOI's core tenets, including the racial supremacy of black people and the idea that Whites are literally "devils," were extremely attractive to Malcolm, whose own personal and family's experiences and lives had been shattered by white racism. Paroled from prison in August 1952, Malcolm Little became Malcolm X, the surname "X" represented the true name of his African ancestors. In early 1953 Malcolm X lived briefly in the home of Elijah Muhammad. He quickly rose up the leadership hierarchy of the NOI. Malcolm X was named minister of the newly established Boston Temple No. 11 in the fall of 1953. He became minister of New York's Temple No. 7 in June 1954, which he would lead for the next ten years.

In the decade of the 1950s, Malcolm X was primarily responsible for the rapid growth of the NOI, and its prominence as a cultural and spiritual force within Black America. A powerful, attractive, and charismatic speaker, Malcolm X traveled extensively throughout the country on behalf of the Nation of Islam. Malcolm X initiated and directed the development of new temples in many cities, and established a national newspaper, *Muhammad Speaks*. A 1959 television documentary on the NOI, with the provocative title, "The Hate That Hate Produced," brought the black nationalist sect into national prominence. That same year Malcolm X traveled extensively on behalf of Elijah Muhammad, visiting Egypt, Iran, Syria, Ghana, Nigeria, and Sudan. By the late 1950s and early 1960s, he became actively involved in protesting cases of police brutality against "Black Muslims," which was the general name the media gave to NOI members.

Malcolm X constantly emphasized that African Americans had to break from their psychological, cultural, and political dependence on white values and institutions. Self-determination as a viable concept meant Blacks had to construct strong institutions that permitted them to negotiate with the white establishment. The philosophy of racial assimilation, he believed, would never empower the masses of poor and working black people. In *The Autobiography of Malcolm X*, he observed:

The American black man should be focusing his every effort toward building his own businesses, and decent homes for himself. As other ethnic groups have done, let the black people, wherever possible, however possible, patronize their own kind, hire their own kind, and start in those ways to build up the black race's ability to do for itself. That's the only way the American black man is ever going to get respect!



In his personal life in 1956, Malcolm X met Betty Sanders, a new convert who had joined Temple No. 7. In January 1958, Malcolm X proposed marriage to Betty X from a gas station telephone in Detroit. Two days later the young couple was married by a white Justice of the Peace in Lansing, Mich.. Returning to Harlem, Temple No. 7 members were shocked their Minister Malcolm X and fellow member Betty X had just married. The newlyweds moved into a small two-family flat in Queens, N.Y. Malcolm X and Betty (Shabazz) had six daughters, and despite his extensive travels and financial constraints, maintained a close relationship.

As early as 1959, Malcolm X began reaching out to mainstream Civil Rights leaders and black elected officials such as Harlem Congressman Adam Clayton Powell, Jr., in the effort to build a national black united front. In September 1960, Malcolm X met with Cuba's Fidel Castro during the latter's visit to the United Nations. In February 1961, he led a demonstration at the United Nations to denounce the assassination of the Congo's Prime Minister Patrice Lumumba. Many white Americans, particularly college students, became fascinated with this articulate and uncompromising voice of black militancy. Soon Malcolm X became a highly sought-after campus speaker, lecturing at Harvard Law School in March 1961 and many other institutions. Malcolm X's high public profile brought him under intense surveillance by the Federal Bureau of Investigation (FBI) and other law enforcement agencies. It also created growing hostility and resentment among NOI leaders closest to Elijah Muhammad, who now feared that Malcolm X had grown too powerful to control. Coverage of Malcolm X in *Muhammad Speaks* began to decline and virtually disappeared throughout 1963. Malcolm X at the same time learned that rumors concerning Elijah Muhammad's adulterous relations with a large number of NOI female members are true and attempted to minimize the damage to the sect's credibility.

A close analysis of the actual content of Malcolm X's public lectures, sermons, and media interviews between 1960 and 1963 reveals many more similarities to his post-NOI views than contrasts. Malcolm X's general objective was to transform how black people saw themselves as actors in the making of their own history. Sociologists Michael Omi and Howard Winant describe this process as the creation of "new racial subjects." The black freedom movement of the 1960s, they observe, "redefined the meaning of racial identity, and consequently of race itself, in American society." Malcolm linked the anti-colonial revolutions in Africa, Asia, and the Caribbean with the struggle by African Americans for self-determination inside the United States. One striking example of this occurred in December 1957, when Malcolm X organized and hosted an international meeting that included representatives from Ghana, Iraq, Egypt, and Morocco. Malcolm X was sharply critical of King's philosophy of nonviolence and ridiculed the 1963 March on Washington, D.C., as nothing but "a picnic, a circus." Yet he made numerous efforts at the same time to dialogue with the liberal integrationist leaders, in public forums as well as private meetings.

In the wake of President John F. Kennedy's assassination in November 1963, Malcolm X remarked to the media that the chief executive's murder was a case of "the chickens coming home to roost," symbolizing white America's orientation toward violence and hatred. Taken completely out of its context, the press distorted the statement to once again demonize Malcolm X. Elijah Muhammad used the public controversy as a pretext to eliminate his powerful protégé from the NOI. Malcolm X was ordered first to submit to a "ninety-day period of silence." As the disciplinary period came to an end in early March, it had become clear that the NOI would never accept Malcolm X back into the organization.

As Malcolm publicly departed from the NOI in March, he rapidly created two new organizations: Muslim Mosque, Inc., which provided a spiritual space for former NOI members and which reached out to the orthodox Islamic community; and the Organization of Afro-American Unity, a black nationalist-oriented formation which sought to build progressive unity across ideological and partisan political divisions within the national black community. Malcolm's public views on U.S. domestic and international affairs moved toward a socialist analysis. He was one of the first prominent Americans to denounce the growing U.S. military involvement in Vietnam. Malcolm X left the United States on April 13, 1964, under the name "Malik EI-Shabazz," and traveled on a pilgrimage to Mecca. The religious experience in itself did not "radically transform" Malcolm X, as both author Alex Haley and filmmaker Spike Lee have suggested. Malcolm's new commitment to orthodox Islam did provide, however, a much more flexible approach for achieving deeply held political views. In 1970, Dr. Betty Shabazz commented about her husband's journey to Mecca, and his return to the United States on May 21, 1964, as El-Hajj Malik EI-Shabazz:

When [Malcolm] returned he did have a new perspective. Part of it, I think, was the human experience of seeing people from different countries functioning together because of a common philosophy.... A lot of people say that Malcolm changed after that trip, but they never look at the totality and see that the man's entire scope had been broadened. They look at every individual change and say that Malcolm had changed from one thing to another. Many people base this on his denunciation of racism, and they misinterpret this statement to mean that he endorsed the principles of integration as a solution to America's racial dilemma.... Malcolm's basic goal or objective never changed: He was totally committed to freedom for oppressed people.... Malcolm's [new] feeling was that if a group has an answer to the problems of black people, then they should help solve the problem without having all black people join that group. In this sense his scope had been broadened.

The deep cultural and political respect for El-Hajj Malik EI-Shabazz among younger Civil Rights activists, black artists, and writers existed even before his assassination in 1965. Amiri Baraka, the leader of the Black Arts Movement of

the 1960s and 1970s, writes that Malcolm was, for him, the personification of “blackness my maximum leader/teacher....” In the aftermath of his death, as the Black Arts Movement grew, hundreds of poems, cultural essays, plays, and public events were written and organized around the towering figure of Malcolm X. With the publication of *The Autobiography of Malcolm X* in late 1965, his reputation among millions of white Americans also grew. But those white Americans who had been privileged to know Malcolm personally recognized the vast difference between his public and private image. As attorney William Kuntsler observed in 1994:

I liked Malcolm instantly.... I thought Malcolm would be a fire-eater, burning with hatred, with no sense of humor. He was actually quite the opposite, a warm, responsive human being, not at all as he was depicted by the media.... He spent most of his public life trying to convince his black audiences that they had to resist the white avalanche “by any means necessary.” A failure to resist, he often said, was part of a residual slave mentality. I completely agreed with him.

In the late 1980s, a new generation of African Americans came to discover Malcolm X. It was in the dire context of rapid deindustrialization and economic decay in America’s central cities, the collapse of public institutions providing services to the poor, and the devastation of the crack cocaine epidemic. America’s political and corporate establishment withdrew from any serious discussion about ways to solve pressing urban problems. It was in this environment that what became known as the “hip hop generation” found a charismatic, powerful voice to express its own rage, alienation, and spirit of resistance—Malcolm X. Malcolm was frequently mentioned in the music of virtually every major hip hop artist and artistic group, from Public Enemy and N.W.A. to Lauren Hill and Wu-Tang Clan. But in taking text excerpts from Malcolm’s writings, and samplings from his speeches, they frequently obscured or lost the full meaning of what he was attempting to accomplish, both politically and culturally. As Malcolm was transformed into a cultural icon, he was increasingly projected as an “image” to represent corporate and political interests which had little connection with what he fought to achieve. The mantle of icon presented Malcolm in a fixed cultural universe, ruptured from the unique and specific historical, political, and social forces which created his world.

But as cultural studies scholar Michael Eric Dyson has written, the real significance of Malcolm X is best expressed in his personal example of self-criticism and his belief that everyday people—not presidents or kings, not the rich and famous—possessed the capacity to change themselves, in order to change the conditions under which they lived. In *Making Malcolm: The Myth and Meaning of Malcolm X*, Dyson observes:

Malcolm also came to believe that real leadership was empowering people to lead themselves, to eventually do without the moral suffering that

he had endured at the hands of charismatic but corrupt leadership. Malcolm's push near the end of his life was for people to learn and grow as much as they could in the struggle to free mind and body from the poisonous persistence of racism and blind ethnic loyalty, as well as economic and class slavery. He apologized for his former mistakes, took his lumps for things he'd done wrong in the past, and tried to move on, even though, as he lamented, many devotees (and enemies) wouldn't allow him to "turn the corner." For Malcolm's sake, and for the sake of our survival, black folk must turn the corner.

LANI GUINIER

ENLISTING RACE,  
RESISTING POWER,  
TRANSFORMING  
DEMOCRACY

# THE MINER'S CANARY

GERALD TORRES



Photo of Lani Guinier courtesy of Harvard Photo Services  
Photo of Gerald Torres of the University of Texas  
at Austin.

## THE MINER'S CANARY

Enlisting Race,  
Resisting Power,  
Transforming Democracy

LANI GUINIER AND  
GERALD TORRES

"Mixing myriad personal examples with hard data and analysis of biased news reports, Guinier and Torres cogently and forcefully argue that 'color-blinded' solutions are not 'attaining racial justice and ensuring a healthy democratic process'... [The authors] grapple intelligently and with passionate wit with such explosive topics as racial profiling and the elusiveness of racial identification and identity...making this one of the most provocative and challenging books on race produced in years."

—Publisher's Weekly

"The Miner's Canary is thoughtful, provocative, and timely. It persuasively develops the idea of 'political race,' a concept that identifies racial literacy as a new way to think about social change in American society. This book will challenge the very way we think about race, justice, and the political system in America."

—Henry Louis Gates, Jr.

The Nathan I. Huggins Lectures  
\$27.95 cloth

HARVARD UNIVERSITY PRESS

800 405 1619 • [www.hup.harvard.edu](http://www.hup.harvard.edu)

# ASIAN AMERICAN POLICY REVIEW

*The Harvard Journal of Asian Pacific American Public Affairs*

ANNOUNCING THE IMMINENT ARRIVAL OF

## *AAPR's Eleventh Issue*

This June, the latest volume of the *Asian American Policy Review* will be hot off the presses. Devoted to today's most critical and compelling political and policy issues, it contains a number of important articles we are sure you won't want to miss, including:

- Commentary by California Assemblywoman Judy Chu on the changing paradigm of hate crimes since 9/11
- Interviews with two MacArthur "Genius" Grant awardees, Stewart Kwoh and Julie Su, on the Asian Pacific American Legal Center and pushing the limits of the law
- Two engaging and insightful books reviews: Frank Wu's book: *Yellow: Race in America Beyond Black and White*; and Pei-te Lien's book: *The Making of Asian America Through Political Participation*
- A moving Fulbright paper on Korea: *Biracial identity and US Military Policy*
- A powerful speech by Helen Zia, official author of Wen Ho Lee's biography

and **much more!** You'll find other interesting new research, in-depth interviews, and thought provoking commentaries.

*Reserve your copy now!*

Please order your 11th Issue of the *AAPR* by mailing your name, address, and check to the address below. As always, if not fully satisfied, please return for refund.

#### SUBSCRIPTIONS

Individual: \$15

Institution: \$40

#### CALL FOR PAPERS

October 1st



#### Asian American Policy Review

John F. Kennedy School of  
Government  
79 JFK Street, Cambridge, MA 02138  
Tel: (617) 496-8655



# HARVARD JOURNAL of HISPANIC POLICY

*Volume 14: Latino Policy  
in an Era of Census Projections*

HJHP is a non-partisan, peer-reviewed journal that publishes interdisciplinary works on policymaking and politics affecting the Latino community in the United States.

Policy topics covered in this year's volume include:

- Education
- Interviews with Mayoral Candidates
- Political Representation
- Coalition Building

To receive a risk-free copy of Volume 14, complete the form below and mail to:

Harvard Journal of Hispanic Policy  
John F. Kennedy School of Government  
79 John F. Kennedy Street  
Cambridge, MA 02138

YES, please sign me up as a risk-free subscriber to the Harvard Journal of Hispanic Policy.

\$25 individuals

\$55 institutions

Renew my subscription

I'm a new subscriber

Payment enclosed

Bill my  VISA  MC

Name(Print) \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Card # \_\_\_\_\_ Exp date: \_\_\_\_\_

Signature \_\_\_\_\_

To order online visit our Web site at [www.ksg.harvard.edu/hjhp](http://www.ksg.harvard.edu/hjhp); by e-mail write to [hjhp@ksg.harvard.edu](mailto:hjhp@ksg.harvard.edu); by phone call (617) 495-1311; or fax to (617) 384-9555.



## **The Journal of Sexual Orientation and Public Policy at Harvard**

Q, The Journal of Sexual Orientation and Public Policy at Harvard is currently accepting submissions for Volume 2. Submissions may be sent to the address listed below. For more details visit our Web site.

Q is a non-partisan academic forum for original public policy scholarship related to sexual orientation and gender identity. Q also considers broader public policy issues facing gays, lesbians, bisexuals, and transgender persons, such as race and class. A non-partisan publication, we make every effort to address these issues from an international perspective.

Our first volume focuses on the issue of same-sex marriage.

Volume 1 is available *free* online at:  
**[www.qjournal.org](http://www.qjournal.org)**

**Q: The Journal of Sexual Orientation and Public Policy at Harvard**

John F. Kennedy School of Government

79 John F. Kennedy Street

Cambridge, MA 01238

Tel: 617-496-0295

Fax: 617-384-9555

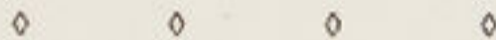
[qjournal@ksg.harvard.edu](mailto:qjournal@ksg.harvard.edu)





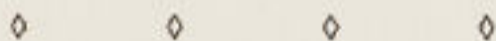
The Women's Policy Journal of Harvard,  
 John F. Kennedy School of Government  
**Proudly Announces its Second Edition**

*Dimensions of International Security*  
*The Role of Women in Global Conflict Resolution,*  
*International Development, and Human Rights*



The Women's Policy Journal of Harvard was founded at Harvard University's, John F. Kennedy School of Government in 1999. Our second edition is dedicated to highlighting the contributions of women to international security and exploring new ways for them to positively impact global conflict resolution, international development and human rights policy.

Recognizing that both academic research and practitioner experience are vital to a sound understanding of complex policy issues, we've included articles by scholars and practitioners alike. The *Women's Policy Journal* is dedicated to promoting discourse about the multiple social, political, and economic issues impacting women's lives. Few journals focus specifically on the effects of public policy on women today. As such, ours enjoys a unique place in the current scholarship. Use the form below to reserve your copy of this cutting-edge journal.



**YES**, please sign me up as a risk-free subscriber to The Women's Policy Journal of Harvard

\$10 students                       \$20 individuals                       \$40 institutions

Payment enclosed                       Bill my  VISA  MC

Card # \_\_\_\_\_ Exp date: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Signature \_\_\_\_\_

Name (print) \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

79 John F. Kennedy Street ◊ Cambridge, MA 02138  
 Phone (617) 496-5192 ◊ Facsimile (617) 384-9555  
[www.ksg.harvard.edu/wpjh](http://www.ksg.harvard.edu/wpjh) ◊ [wpjh@ksg.harvard.edu](mailto:wpjh@ksg.harvard.edu)

Faint, illegible text, possibly bleed-through from the reverse side of the page.







Harvard Journal of African American Public Policy  
79 John F. Kennedy Street  
Cambridge, MA 02138

FORWARDING SERVICE REQUESTED